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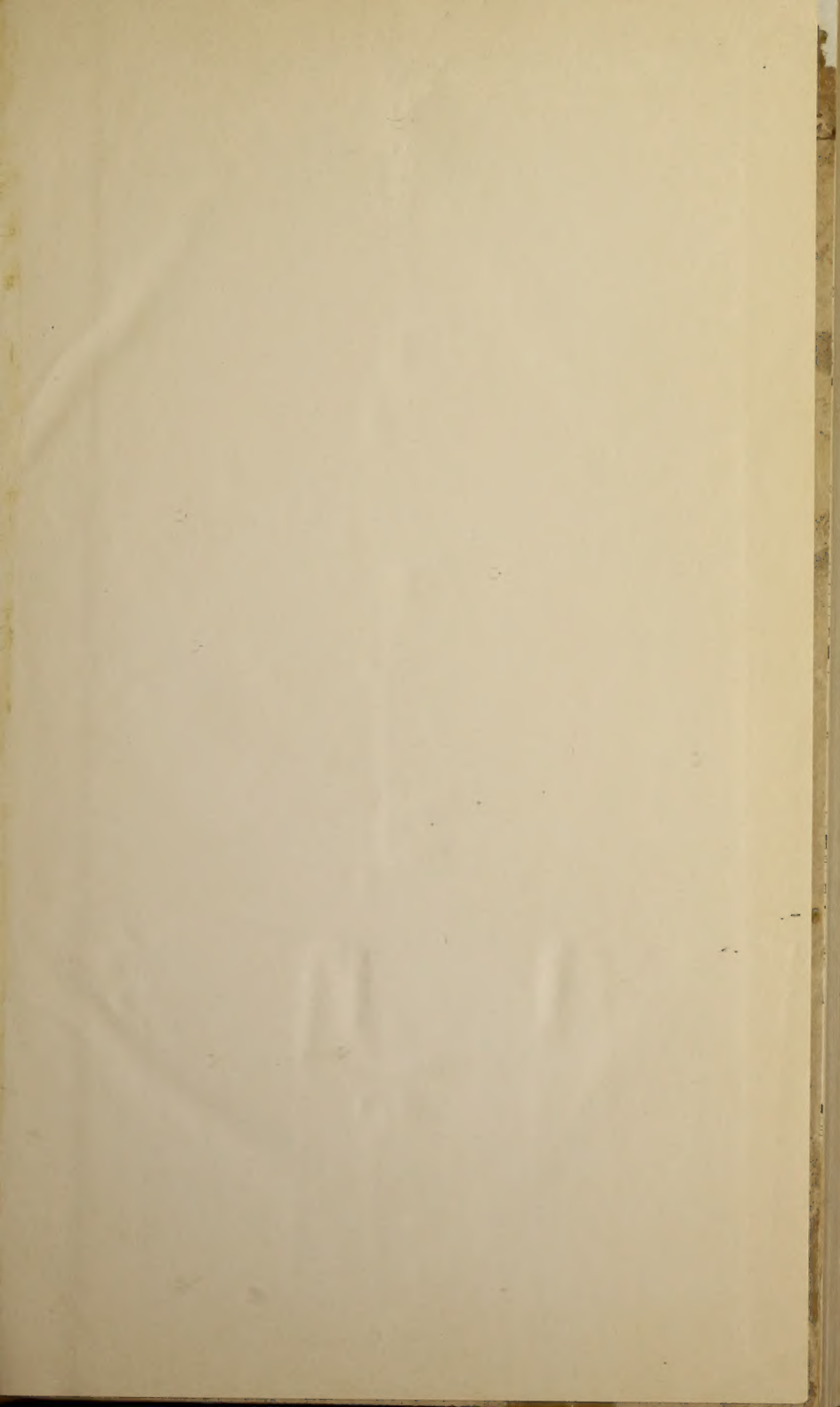
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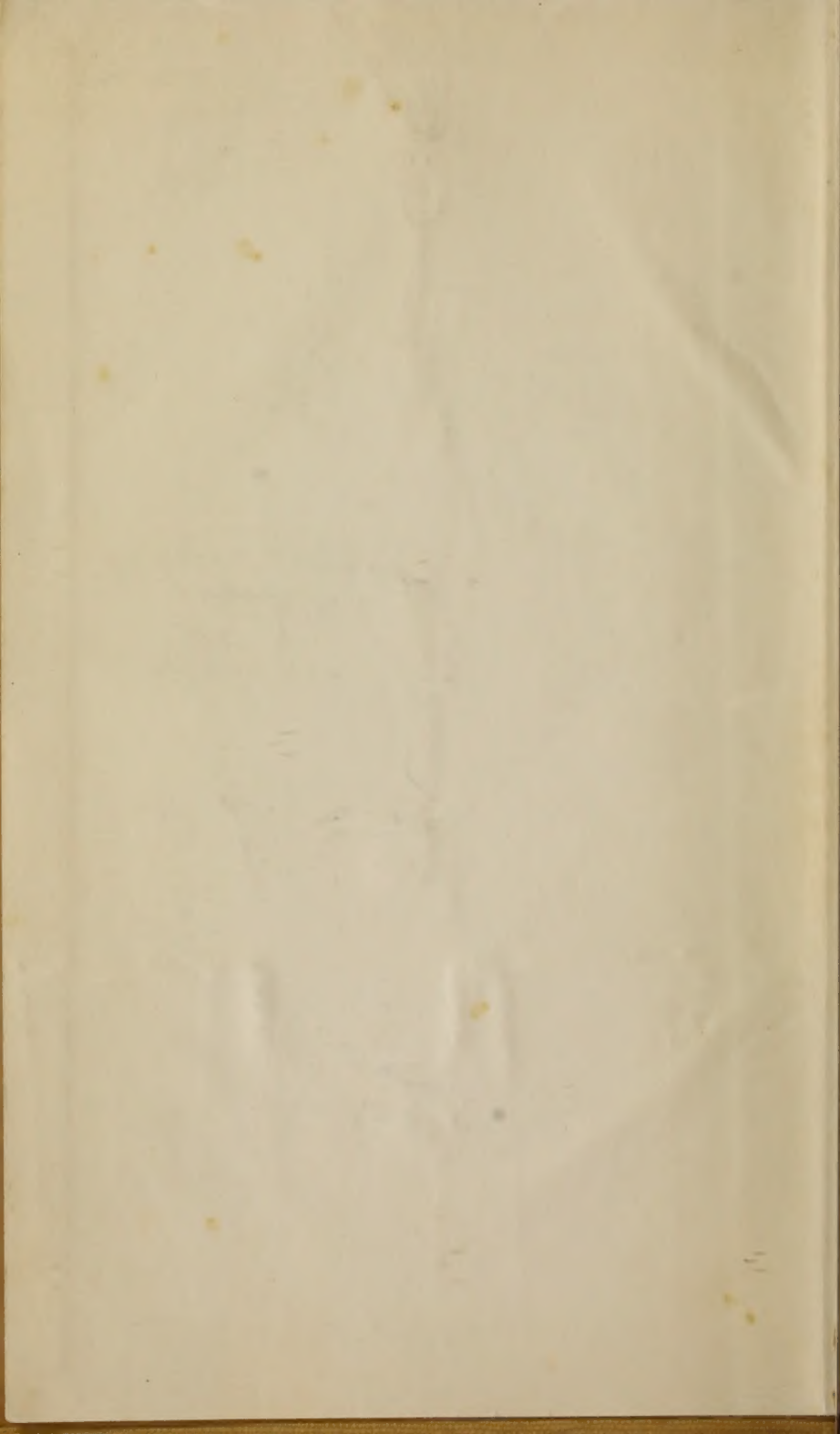
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JOURNAL

OF THE

FOURTH SESSION

OF THE

Cal.

LEGISLATURE

OF THE

STATE OF CALIFORNIA,

BEGUN

ON THE THIRD DAY OF JANUARY, 1853, AND ENDED ON THE
NINETEENTH DAY OF MAY, 1853, AT THE CITIES
OF VALEJO AND BENICIA.

PUBLISHED BY AUTHORITY.

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SAN FRANCISCO:

GEORGE KERR, STATE PRINTER.

1853.

Journal

FOURTH SESSION

LEGISLATURE

STATE OF CALIFORNIA

ON THE THIRD DAY OF JANUARY, 1880, AND ENDED ON THE
NINETEENTH DAY OF FEBRUARY, 1880, AT THE CITY
OF SACRAMENTO, CALIFORNIA.

PUBLISHED BY

SAN FRANCISCO

GEORGE E. BROWN, STATE PRINTER

1880

e, inches	Deformed square	Deformed round	Plain square	
1/4"-----	0.21	0.17	0.21	0.
3/8"-----	0.49	0.38	0.48	0.38
1/2"-----	0.86	0.68	0.85	0.67
5/8"-----	1.35	1.06	1.33	1.04
3/4"-----	1.94	1.52	1.91	1.50
7/8"-----	2.64	2.07	2.60	2.04
1"-----	3.44	2.70	3.40	2.67
1 1/8"-----	4.35	3.41	4.30	3.38
1 1/4"-----	5.37	4.21	5.31	4.17

The following paragraph shall supplement Section 30, article (d), of the Standard Specifications.

The mill shall tag each bundle of reinforcing steel with an identifying mill tag, giving the name of the mill and the melt or heat number. This tag should preferably be a tin tag placed in an exposed position for easy identification by the inspector. It shall be attached with a lead seal at the mill.

SECTION 6. OILING ROADBED.

(a) **Materials.**—Fuel oil shall be heavy grade conforming to the provision of Section 60 of the Standard Specifications.

(b) **Preparation of Roadbed.**—The graded roadbed shall be scarified to depth of from two and one-half inches ($2\frac{1}{2}$ ") to three inches (3") and the loosened material graded into windrows in approximately equal amounts on each side of the twenty-four foot (24') roadbed to be oiled. All clods and lumps shall be thoroughly broken up by harrowing or disking. The earth below the required grade shall not be disturbed. The surface shall not be loosened for a distance greater than can be oiled and mixed in one day operations.

(c) **Application of Oil.**—Oil shall be applied at a temperature of not less than 140° nor more than 200° F. and in three (3) or four (4) applications the rate of approximately one-half ($\frac{1}{2}$) gallon per square yard of surface to be covered at each application. The number of applications and amount of oil to be spread at each application shall be determined by the Engineer. Oil shall be applied to but one-half the width of the roadbed at a time and the side of the roadbed opposite the one being oiled shall be kept open to traffic.

In advance of each application of fuel oil, from one-third ($\frac{1}{3}$) to one-fourth ($\frac{1}{4}$) of the windrowed material shall be bladed in a layer of uniform loose thickness upon the half width of the roadbed to be oiled. The amount of material to be spread at one time shall depend upon the number of applications of oil to be applied.

Fuel oil shall then be spread on each layer by means of approved pressure spraying machines equipped with volume and pressure gauges. The use of gravity distributors will not be permitted. The distributor shall apply uniform spread of oil on each layer spread as above and to the full width to be covered in one application.

The Contractor shall furnish and keep on the work at all times an accurate thermometer suitable for determining the temperature of the oil being applied. The rates of application shall not vary from the rates specified by more than ten per cent (10%). If in the application of oil, any spots are missed,

JOURNAL
OF THE
PROCEEDINGS OF THE ASSEMBLY.



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JOURNAL OF THE ASSEMBLY.

HOUSE OF ASSEMBLY.

CITY OF VALLEJO,
Monday, January 3, 1853. }

According to the requirements of the Constitution, the House was called to order this day, at 12 o'clock, M., by B. McAlpin, late Clerk.

On motion of Mr. Canney, Mr. McMeans was chosen Speaker, *pro tem*.

The Clerk then proceeded to call the counties, and the following members appeared, were qualified and took their seats :

County of Butte—Messrs. Thomas, Irwin and Wells.

“ Contra Costa—Mr. Carpentier.

“ Calaveras—Messrs. Leake, Rogers and Oliver.

“ Colusi—Mr. Carhart.

“ El Dorado—Messrs. Garfield, Conness and McMeans.

“ Klamath—Mr. Van Dyke.

“ Los Angeles—Mr. McFarland.

“ Monterey—Mr. Wall.

“ Napa—Mr. McKany.

“ Nevada—Messrs. Crenshaw and Bostwick.

“ Placer—Messrs. Canney and Myres.

“ Sacramento—Messrs. Johnson, Robertson and Estep.

“ San Joaquin—Messrs. Yeiser, Knight and Hally.

“ San Luis Obispo—Mr. Pacheco.

“ Santa Barbara—Messrs. Covarrubias and Lee.

“ San Francisco—Messrs. Flower, Sime, Snyder and Taylor.

“ Shasta—Mr. Cabaniss.

“ Sonoma—Mr. Ewing.

“ Solano—Mr. Owen.

“ Sutter—Mr. McCandless.

“ Trinity—Messrs. Martin and Reading.

“ Tuolumne—Messrs. Wilson, Hoff, Mandeville and Brush.

“ Yolo—Mr. Caldwell.

Counties of Yuba and Sierra—Messrs. Fairfax, Gardner and Redding.

duly elected Speaker, and upon taking the chair delivered the following address :

Gentlemen of the Assembly :

By selecting me to preside over this Legislative body, of one of the most remarkable States in the world, you have conferred an honor upon me personally, for which I return you my most grateful and sincere thanks. But I am not forgetful that position confers no honor upon a man, unless he himself rise up equal to his task, and fulfil the obligation of his office. This I shall exert my utmost power to accomplish. But, gentlemen, without your considerate and earnest co-operation, my success must be impossible. I shall, therefore, rely upon your assistance and support in maintaining a proper conduct in our deliberations, in order that we may transact the business with which we are intrusted, without trifling or selfish considerations, but with dignity, fidelity and dispatch ; that our acts may be creditable to us as the agents of others, for certainly we are not here to act for ourselves, but to fulfil the most responsible duty and the most sacred confidence with which man can ever be intrusted. Indeed, so important is the duty of enacting laws for one's country, that no one, feeling the real dignity and responsibility of such an office, can fail to sympathize with those ancient legislators who never essayed to enact a law, or issue a decree, without first calling upon the gods to witness the justice and necessity of their undertaking ; and in truth, gentlemen, that legislator who can so far forget his duty and his honor as to convert the sacred confidence of such a trust into a mere effort to promote selfish schemes by speculative legislation, is morally a criminal, whose violation of the covenant which he makes with the people is more disastrous than the crime of the felon ; for the felon's stab strikes down but one, whilst the dishonest legislator stabs the great heart of society, and you, and I, and all of us fall down beneath the hidden stroke of his success. It is idle, nay, gentlemen, it is wrong, for us to remain indifferent to the fact that each of our preceding Legislatures has been accused by the people of assenting to speculative laws. I do not acknowledge the truth of such assertions ; but if we can do no act to render our session memorable for good, in the name of God, let us at least suffer nothing to be done which will render it odious to the people. Most of us are young men, and have our fortunes to achieve, and we must not suffer ourselves to forget that age adds nothing to the strength of patriotism ; that nothing dishonest ever enures to the noblest success ; and that every dollar wrongfully wrested from one's country is like a jewel robbed from one's own mother, which may be possessed but never can be enjoyed. We have sufficient years to know our duty, and it is our good fortune to live in a period of our country when great political experience may be acquired without the expense of age. Let us, therefore, only do those things which we have strictly undertaken to perform, and ours may be the honorable distinction of rendering this session of our Legislature not merely advantageous to the State, but really an epoch in its early political history, for the integrity and carefulness of its legislation, and for the devotion of its members to the real welfare and lasting prosperity of this new, wonderful and magnificent country.

Messrs. Hubbard, Bell and Hunt appeared, were qualified and took their seats.

The House next proceeded to elect a principal clerk. Mr. Blake put in nomination Blanton McAlpin.

Those who voted for Mr. McAlpin were—Messrs. Bell, Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Redding, Robinson, Rogers, Sime, Snyder, Smith, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. McAlpin having received all the votes cast, was declared duly elected Chief Clerk.

The House next proceeded to elect one Assistant Clerk.

Mr. Canney nominated J. W. Scobey.

Those who voted for J. W. Scobey were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. Scobey having received all the votes cast, was declared duly elected Assistant Clerk.

The House next proceeded to elect an Enrolling Clerk.

Mr. Crenshaw nominated A. G. Kimball.

Those who voted for Mr. Kimball were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Redding, Reading, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. Kimball, having received all the votes cast, was declared duly elected Enrolling Clerk.

The House then proceeded to elect an Engrossing Clerk.

Mr. Fairfax nominated Wm. Zabriskie.

Those who voted for Mr. Zabriskie were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Reading, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. Zabriskie having received all the votes cast, was declared duly elected Engrossing Clerk.

The House next proceeded to the election of Sergeant-at-Arms.

Mr. Thomas nominated G. W. Coffee.

Those who voted for Mr. Coffee were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Reading, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. Coffee having received all the votes cast, was declared duly elected Sergeant-at-Arms.

The House next proceeded to the election of Door-Keeper.

Mr. Covarrubias put in nomination John Warrington.

Those who voted for Mr. Warrington were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Reading, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—56.

Mr. Warrington having received all the votes cast, was declared duly elected.

The Speaker appointed Charles Hubbs as principal Page, and Henry Fossbender as Assistant Page.

Mr. Carpentier introduced a Joint Resolution, which was adopted, ap-

pointing a committee of two from each House to wait upon the Governor and inform him that the two Houses had organized, and were ready to receive any communication he might see proper to submit.

Messrs. Carpentier and McMeans were appointed, on the part of the House, as said committee.

The following communication was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate has organized by electing

A. C. Bradford,	-	-	-	-	Secretary.
John S. Love,	-	-	-	-	Assistant Secretary.
James L. Trask,	-	-	-	-	Enrolling Clerk.
Wm. G. Marcy,	-	-	-	-	Engrossing Clerk.
G. W. Ten Broeck,	-	-	-	-	Sergeant-at-Arms.
E. C. Dowdigan,	-	-	-	-	Door-Keeper.

And is now ready to proceed with the business of the Session.

A. C. BRADFORD, Secretary.

Mr. Wing moved that the Rules of the House for the last session be adopted for the present session temporarily.

Agreed to.

On motion of Mr. Canney, a committee of five was appointed to draft Rules for the government of the House.

Messrs. Canney, Snyder, Moore, Thomas and Wing were appointed said committee.

The following was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate this day concurred in Assembly Joint Resolution creating a committee to wait upon the Governor ; and has appointed, on the part of the Senate, Messrs. Keene and Foster.

A. C. BRADFORD, Secretary.

Mr. Carpentier reported that the committee had waited upon His Excellency, according to their instructions, and had received for answer that he would in a short time communicate to the Houses in writing.

The following message was received from the Governor by his Secretary :

FELLOW CITIZENS OF THE

SENATE AND ASSEMBLY :

The duty again devolves upon me to communicate with the People's Representatives on the condition of the State, and recommend such measures as I may deem expedient.

Permit me, then, to welcome you to the scene of your legislative labors, and to express the hope, that all the measures matured by you, may not only be promotive of the interests, but meet the warm approval of our common constituents, who have confided to you the most important trust which can be delegated to public agents. I need hardly assure you of my sincere desire to co-operate with you in all your efforts to exalt the character, establish the credit, and advance the general interests of the State.

You have assembled at an interesting period in the history of our public affairs. Our interests have acquired a more permanent and solid character; the people have generally yielded a willing obedience to the laws; our commerce is rapidly diversifying and expanding; the sources of our wealth have been immensely augmented; agriculture and the mechanic arts are more generally engaging the attention of our people; institutions of learning are springing up in our midst; and, in fact, all the arts of peace are beginning to progress and flourish throughout the State. We have entered upon our career of freedom and civilization with prospects the most flattering. Uninterrupted and surprising as has been the progress of those sister States from which we are divided—not by feeling, but by geographical position—astonishing as have been the achievements of science, and astounding the political events which have distinguished the past history of our country, the settlement and partial development of the resources of California by the American people, is by no means the least amongst the great achievements which have been consummated. The importance of events is estimated by their influence upon the destinies of mankind; that of the settlement and development of California, to which I have above alluded, possesses a peculiar interest, since it evidently hastens the period when a more considerable portion of this continent—including, perhaps, some of the proximate islands of the seas—may be in subjection to the enterprising and enlightened policy of the Government of the United States. The settlement of California has developed in the public mind a strong bias favorable to other peaceful acquisitions, and has proved, that, while in accordance with the uniform policy of the Government, we have ever been ready to welcome emigrant foreigners to our soil, who can, consistently with the Constitution and Laws of the United States, become citizens by naturalization, they are, at the same time, disposed to make the soil itself, peacefully, a portion of the Republic. Despotisms forcibly subdue and subject foreign territory in violation of the laws of nations, while it is the policy of our Government to extend the “area of freedom” only when it can be done consistently with the rights of others, and by a due observance of the laws governing national intercourse.

Pursuing the path of peaceful progress, we have advanced in all the elements of national greatness, and enjoyed a degree of individual prosperity under the operations of our civil institutions, unexampled in the history of governments.

Amongst the most important duties which will devolve on you at your present session, is that of regulating the finances of the State, and fixing them upon a basis at once permanent and sure; which shall, at the same time, serve to secure us against the embarrassments of an overdrawn treasury, as well as against the burdens of oppressive taxation. It cannot be disguised, that for the past three years, we have not devoted that advised and well informed attention to this subject which its great importance demands. Year after year, since the organization of the State, we have been steadily contracting heavy liabilities, until at length, the burden is onerously felt, and the embarrassments thus occasioned begin to seriously affect our standing and credit, and retard our progress. That measures must now be adopted, immediate, if practicable, in their effect, and radical in their nature, would seem to admit of no question. We have pursued a system heretofore, the practical results of which, as exhibited by the present financial condition of the State, are certainly not such as will commend it to further adhesion. A system which produces such results, must be defective, and should be abandoned. To sustain the credit of the State, to avoid the burdens of embarrassing liabilities, and to expend no more than the annual revenues derived from easily borne taxation, are amongst the first and great objects of legislation. But we have signally failed to do either up to this time, and must, therefore, have pursued a system neither well founded nor wisely practical, considered with reference to the objects intended to be secured thereby. A debt has been already contracted, which, under existing arrangements, will continue to accumulate to a disastrous extent. Fortunately, however, it rests with you to check this growing evil, by a suspension of the existing, and the adoption of another system, which, while it avoids the errors into which we have heretofore fallen, shall introduce such salutary reforms, as past experience demonstrates to be indispensable.

With this in view, it is my purpose to present, generally, for your consideration, a few of the leading reforms which have occurred to my mind as important and necessary.

The existing debt of the State on the 15th December, 1852, is set forth as follows in the Report of the Comptroller of State.

CIVIL DEBT.

Amount of 3 per cent. Bonds outstanding,	\$63,750 00	
" Interest on same to date,	63,700 00	
	<hr/>	\$127,450 00
" 7 per cent. Bonds of 1851,	\$397,000 00	
" Interest on same,	3,218 58	
	<hr/>	\$400,218 58

Amount of 7 per cent. Bonds of 1852,	\$790,500 00	
" Interest on same,	281 41	
	<hr/>	\$790,781 41
" Civil Warrants outstanding,		69,763 79
		<hr/>
		\$1,388,213 78

WAR DEBT.

Amount of 12 per cent. War Bonds of 1851,	\$200,000 00	
" Interest on same,	39,812 20	
	<hr/>	\$239,812 20
" 7 per cent. War Bonds of 1852,	\$478,000 00	
" Estimated interest on same,	10,850 00	
	<hr/>	\$489,850 00
" War Warrants outstanding,		41,727 85
		<hr/>
Total War Debt,		\$771,190 05
Amount of School Land Warrants,	\$190,080 00	

WHOLE DEBT OF THE STATE.

Amount of Civil Debt on the 15th December, 1852,	\$1,388,213 78	
" War Debt " "	771,190 05	
	<hr/>	\$2,159,403 83
Making the entire Debt of the State, Civil and War,		<hr/>
		\$2,159,403 83

And if we include the \$190,080 00 received for School Land Warrants, \$2,349,483 83. On the amount received for School Land Warrants, the State is pledged to pay an annual interest of seven per cent. to the School Fund, but the principal I do not regard as legitimately a debt of the State: so that, excluding this item, it will be found to be \$2,159,403 83, to which should be added \$5,412 31, the interest which has accrued upon the amount realized from the sale of School Land Warrants. Besides this, the debt contracted by reason of Indian expeditions, amounting to the sum of \$771,190 05, should be regarded rather as an apparent than actual indebtedness. The reasons for this opinion are contained in a special message transmitted to the Legislature at its last session, and are as follows:

"The General Government owed us protection which was not adequately afforded. Our frontier citizens were exposed to Indian depredations, and hostile Indian incursions were not only threatened, but actually commenced. No sufficient United States forces could be mustered for the protection of our people, their lives and property, and we were compelled, therefore, to protect ourselves. To do this, it became necessary, in the opinion of the Executive, to extend that protection which the General Government should have secured. The amount expended on these expeditions, for a part of which the bonds and warrants of the State are now outstanding, I have reason to believe, will be promptly assumed by the General Government. Our situation in this respect is not at all peculiar, for there are abundant precedents to be found in the proceedings of Congress, of appropriations having been made in similar cases. By Act of Congress, approved March 3, 1841, provision is made for the payment of troops called out by the Governor of Alabama to suppress Indian hostilities. By an Act approved August 11, 1842, an appropriation of \$175,000 is made to the State of Georgia, for expenses incurred in the Seminole, Cherokee and Creek campaigns; and the suppression of Indian hostilities in Florida and Alabama. By an Act approved August 29, 1842, the sum of \$61,378 15 is appropriated to the State of Louisiana for the troops employed in the Seminole war; and by Act approved May 14, 1834, an appropriation of \$35,000 is made to Missouri for similar purposes. These precedents indicate, that where it is made to appear that a State has been required to call out forces and incur expenses in its defence, the Congress of the United States will make such appropriations as justice, and an observance of the relations existing between the General and State Governments require. Besides these precedents, there are to be found numerous appropriations made to individuals, for services rendered by order of the several State authorities, and for property stolen and destroyed by hostile Indians, where insufficient protection had been extended by the General Government."

Should this amount, then, be assumed by the General Government, the debt of the State is reduced to \$1,388,213 78. It should be borne in mind, however, that until an assumption by the General Government, we are pledged to the redemption of the bonds issued to secure the payment of these liabilities, and whatever financial measures are adopted, should be with a view to the contingent probability of their ultimate payment by the State.

Having thus exhibited our present financial condition, it remains to devise means by which the large indebtedness we have incurred may be discharged, and the affairs of the State hereafter administered so that its expenditures shall not exceed its income. It is perfectly apparent that we cannot proceed as heretofore, without destroying our credit and deeply involving our interests. Wisdom would therefore dictate reforms, and experience demonstrates that in many cases they are required to be radical.

The estimated receipts and expenditures for the ensuing fiscal year, are estimated by the Comptroller as follows:

Receipts,	-	-	-	-	\$434,150 00
Expenditures,	-	-	-	-	1,093,213 68

By reference to the table of estimated expenditures, it will be seen, however, that many of the items mentioned are of special character, and do not enter into the general annual expenditures; amounting in the aggregate to upwards of \$220,000.

With a view to lessen the expenditures of government, I would invite your attention first to several reforms in our State Constitution.

When we consider the period and circumstances of the adoption of our present Constitution, it is not matter of astonishment that experience should have disclosed its imperfections. Coming into existence at an early and unsettled stage of our political history, when our population was sparse, unstable, and possessed little or no identity with the permanent interests of the State—when our wants and resources were as yet undefined and undeveloped—when the diversified adaptations and necessities of the various portions of the whole were unknown, and all was confusion and excitement, it would, indeed, present an instance of almost superhuman sagacity, should its provisions be found to afford a solution for all the exigencies of the future. The immense augmentation of our population; the rapid and mighty changes in our habits and pursuits; the more matured and staid condition of society, independent of its intrinsic defects, would seem to demand that the basis of our system should be remodeled, and adapted to present emergencies.

It is but justice, too, that that large and intelligent accession to our numbers which has accumulated since the adoption of our existing Constitution, should be permitted to speak and have its influence in shaping the character of our institutions.

I am not an advocate of frequent and sudden changes in that system of law and policy by which a people are governed. But when a State exhibits the spectacle which is presented by ours, of having grown up from infancy to manhood, as it were in a day—when in the short space of three years, we have risen from a wandering and adventurous population of not more than fifty thousand, devoting themselves rather to the acquisition of wealth than the formation of a plain, free, and frugal government—to some three hundred thousand orderly, moral, industrious, intelligent, and permanent citizens, who are indissolubly associated with the welfare and prosperity of the State; and especially when radical and serious defects exist, duty, wisdom and prudence dictate that an effort be made to remedy those deficiencies and errors, and that alterations in our earlier organization, comporting with the change of circumstances, be effected. But by far the most material consideration which influences me in this recommendation is that of economy.

In the present embarrassed condition of our State finances, it becomes us to search out every avenue to economy which does not entrench on principle or justice. It is believed that provisions exist in our Constitution which might be dispensed with, without inconvenience, and thereby, if not entirely relieve, at least greatly assist in reducing our burdens and embarrassments. Such being my convictions, I feel it my duty to recommend that steps be taken in accordance with the first section of the tenth Article of the Constitution: First, for amending the second section of Article fourth of that instrument in such a manner as to provide for biennial instead of annual sessions of the Legislature, and those sessions not to exceed ninety days in duration. When the advantages and disadvantages of annual and biennial sessions of legislative bodies are impartially compared, the preponderance of

benefit will be found to be clearly on the side of the latter. It is true, that by way of speedily curing existing defects in our laws and of applying a remedy to cases of pressing and importunate demand, the yearly assembling of the Legislature may afford advantages ; but on the other hand, when we reflect on the expenditures of public money necessarily attendant on these sessions ; on the evils of that government whose laws are undergoing continual and rapid changes ; and that in cases of absolute necessity, it is in the power of the Executive to call extra sessions, the argument must be admitted to be in consonance with the proposed amendment.

Such an alteration in our Constitution will effect a saving to our Treasury of two hundred thousand dollars, annually. An item of such importance in our present condition must command the most careful investigation of the Legislature, and to it I invoke your most serious deliberations. It is a fact of no slight importance, that many of our sister States, after having tested the system of annual sessions, amended their Constitutions as now recommended ; but no instance can be found in which the reverse is the case. The States of Missouri, Illinois, Georgia, Alabama, Mississippi, and Kentucky, have, of late years, amended their Constitutions in this respect.

Second : That the twenty-eighth section of the fourth Article of the Constitution be repealed, and the taking of the census of the State be left to be regulated by law, or that it be so amended as not to require that work to be done in the year 1855.

The taking of the census of a State so extended as ours, is a weighty and expensive operation, requiring much time and labor, and a great outlay of money, and should not be required more frequently than actual necessity demands. During the past year it has cost some one hundred thousand dollars : and, as it is an affair of questionable utility, it is to be hoped that it will not be so soon repeated as the Constitution requires. The census will be again taken by the Government of the United States in the year 1860, and that which has just been completed, may without inconvenience be acted upon until that period.

Third : That the first section of the ninth Article of the Constitution be repealed, and the duties of the Superintendent of Public Instruction devolve upon the Secretary of State, or upon Commissioners to be chosen by the people of each school district or township.

The office of Superintendent of Public Instruction, as a distinct department, is of very doubtful necessity, as an original question ; and if, under any circumstances, it were desirable, can now, with propriety, be dispensed with, and thus relieve the Treasury annually to the amount of the salary and contingencies of that office. In adopting the policy proposed, we follow the example of a large majority of our sister States on this interesting subject. On examination, it will be found that more than two-thirds of the members of the Confederacy have, after mature experience, in some of them, finally settled down on the measure advocated by this amendment. The States of Vermont and Wisconsin are the only ones which have constituted this a separate and independent office ; New York, Massachusetts, Illinois, and Pennsylvania have merged the duties of this office in that of the Secretary of State ; Indiana has placed them in the hands of the State Treasurer ; Connecticut, with the State Auditor ; and Maine, New Hampshire, Louisiana, Mississippi, Alabama, Florida, Georgia, and Missouri, have divided

them out among Commissioners elected by the people of the various school districts. Such commanding precedents should not be disregarded by us.

The fundamental law of government, which can only be changed after long and strenuous effort, it would seem, should be confined to provisions for great and admitted principles and measures, and leave the ways and means of carrying these great truths into effect to the wisdom and patriotism of the legislative power, acting under a knowledge of the peculiar circumstances of the times.

Fourth: The twenty-fifth section of the fourth Article is equivocal and doubtful in its construction, and would seem to impose a novel, unnecessary, expensive, and—as it has been sometimes acted on—inoperative duty. It provides that, in order to revise or amend an Act or section, the Act or section proposed to be amended, must be re enacted and re-published at length. This requisition increases considerably our printing expenditures, and from the useless labor required, is frequently disregarded in practice. Thus at one and the same time teaching us to evade the solemn injunctions of the Constitution which we have sworn to support, and uselessly enhancing the demands upon the Treasury.

I therefore recommend that the portion of this section liable to these objections be repealed, and that the section be left to read, "Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title."

Fifth: That the 18th section of the 5th Article of the Constitution, providing for the election of Surveyor-General, be amended, and that the whole matter of the necessity of appointment or election of such officer be confided to the Legislature. The reasons for this recommendation are the same as those which obtain in the case of the Superintendent of Public Instruction.

Sixth: The 8th section of the 11th Article provides that the Fiscal year shall commence on the first day of July. I recommend that this section be so amended as to make the commencement of the fiscal year on the fifteenth of December. The reasons for this change will readily present themselves. Under the existing provision, the Legislature which assembles on the first Monday of January, cannot obtain satisfactory information from the Annual Reports of the Comptroller and Treasurer as to the condition of the State finances, after the first day of July preceding. And, consequently, it becomes necessary for this information to be obtained by special resolution, always at great expense of time and labor to those officers. If the change suggested, however, were made, the reports of these officers would display the condition of our finances up to the fifteenth of December, and much more satisfactory.

These alterations are suggested under a solemn sense of duty, believing them not only conducive to the interests of the State, but absolutely essential to our prosperity and welfare. By adopting the method of amendment pointed out by the section of the Constitution to which I have referred, you will avoid the expense and agitation of calling a Convention of the State, and it is hoped that this course will commend itself to your judgment as the most prudent and desirable.

The office of Superintendent of Public Buildings is believed to be unnecessary, and a useless burden to the Treasury. I recommend, therefore, that the law creating that office, unless it expired by limitation on

the first of January, as is believed to be the case, be repealed, and that the duties thereof be required to be performed by some one, or all of the State officers, without additional compensation; or that some other disposition be made of those duties which will relieve the Treasury of the expenditures incident to that office. In this, too, we follow the example of most of our sister States. New York vests these duties in the Governor, Lieutenant Governor, Speaker of Assembly, Secretary of State, Attorney General, and Comptroller, by right of office. Mississippi vests them in the Auditor and Treasurer of State. Illinois places them with the Secretary of State. Wisconsin with the Governor alone. In no State of the Union, save that of Missouri, can I find this constituted a separate and distinct office.

Our Judicial Districts are much more numerous than our necessities seem to demand. We now have eleven District Judges, with salaries ranging from three thousand to seven thousand five hundred dollars each. These might well be curtailed to eight, and thus effect a considerable saving to the Treasury. I recommend that this be done, and that the County Attorney system be also changed to that of the election of one Attorney for each Judicial District, to be compensated by the fees of office. This latter provision will relieve the county treasuries of the salaries of these officers, and invest the office with more importance and dignity, besides saving to the State the annual sum of five thousand dollars now paid to the District Attorney of San Francisco County.

The State Prison Inspectors, authorized by the Act of April 25th, 1851, are not required, and are an unnecessary charge upon the State, their salaries amounting to \$2,000 per annum, each. These may be dispensed with without detriment to this particular branch of the public service, and their duties devolved on a board composed of any three of the State officers, without additional compensation. By adopting this suggestion, a saving would be effected to the State of \$6,000 annually.

In pursuance of the system of retrenchment and reform proposed, I come now to consider the propriety of a further reduction of the salaries of officers of State and pay of members of the Legislature. The general object is to reduce both to a *cash basis*, and thus to provide for their payment in cash instead of, as heretofore, depreciated evidences of State indebtedness, from which has been realized little if any more, than the sum at which it is now proposed to fix them. It is well understood that these salaries and pay, practically, have been and are, to the extent of at least thirty three per cent., nominal, so far as the recipients of them are concerned; while on the other hand, the effect is to burden the State with extravagant expenditures. The State must ultimately pay at the rate of \$16 or \$12 per diem, while the member receives in fact but \$8 or \$10. The reason of this is obvious. So long as we continue to exceed in our annual expenses our annual revenue, the credit of the State must continue to be impaired, and its bonds, warrants, or other obligations depreciated; and while the pay of members or salaries of officers are received in such depreciated evidences, a proportionate nominal increase of both is in justice required. I feel it my duty, therefore, to earnestly present this important subject for your attentive consideration.

The expenses of the Legislature, as well as the Executive Department of

the State Government, considered with reference to their ultimate payment, and in *cash*, instead of fictitious amounts, have been undeniably exorbitant. The mileage and per diem of members, alone, have annually averaged over \$220,000 since our organization as a State Government. This amount is exclusive of Legislative printing—the printing of the laws and journals, and the contingent expenses of the two houses, which amount in the aggregate for the same period to \$365,555 06, an average of over \$121,000 annually. These exorbitant expenditures may and ought to be greatly reduced. So also with the Executive Department. The salaries paid officers of State, if fixed upon a cash basis, are unnecessarily large, and with proper discriminations may be reduced without practically diminishing the amount now received by them.

The expenses incurred in the support and maintenance of our State Hospitals, too, are excessive and unwarranted by our present financial condition. Much as we may regret the necessity, still it is certain, that as one of the means to restore the credit of the State and preserve it, the very large annual expenditures consequent upon the support of this system must needs be avoided. It appears from the Comptroller's Report that appropriations for our hospitals for the present fiscal year exceed the sum of \$238,000. So great an outlay we are in no condition to sustain, even were the necessity for it greater than at present is believed to exist. I can do no less, therefore, than earnestly recommend that some measure be adopted, which, while it provides for the care of the indigent sick in such manner as the means and resources of the State justify, shall relieve the Treasury of the burdens of the existing hospital system.

By adopting the suggestions which have been thus imperfectly submitted, it is estimated that an annual saving may be effected to the State of \$512,700, which consists of the following items:

Surveyor General,	- - - -	\$2,000 00
Superintendent of Public Instruction,	- - - -	4,500 00
Superintendent of Public Buildings,	- - - -	4,000 00
Prison Inspectors,	- - - -	6,000 00
Biennial Sessions,	- - - -	171,000 00
Reduction of pay and mileage—pay to \$8 per diem,		
mileage one-half,	- - - -	110,000 00
Limiting Sessions to ninety days,	- - - -	43,200 00
Reducing transportation of Prisoners from one dollar		
to fifty cents per mile, which is recommended,	- - - -	8,000 00
State Hospitals. (See Report of Comptroller.)	- - - -	140,000 00
Reducing Salary of Governor to \$7,000,	- - - -	3,000 00
" " Supreme Court Judges, \$7,000,	- - - -	3,000 00
Reducing number of District Judges from 11 to 8, about,	- - - -	12,000 00
Salary of District Attorney of San Francisco,	- - - -	5,000 00

It is not pretended, of course, that these estimates are entirely accurate, but by reference to the Report of the Comptroller they will be found to be very nearly correct; sufficiently so, to show the necessity for immediate

legislative action on the subject. When it is considered, that the amount thus saved exceeds the annual revenue of the State, no other or further reason, it would seem, need be assigned to induce you to adopt the system of retrenchment from which such results must follow.

Although the gentlemen now discharging the duties of the various offices proposed to be dispensed with, as distinct offices, have been efficient, and rendered important service, still, believing that the duties appertaining to the said offices can be performed by others, without detriment to the public interest, I have, as a measure of economy, deemed it my duty to recommend their abolishment, and the duties thereof transferred to other officers of State.

It will be seen that the enormous sum of \$157,993 89, has been paid as interest on our three per cent. bonds, and that on the 15th of December last, the amount outstanding was \$63,750, on which, interest to the amount of \$63,700 had accrued. By adopting the reforms suggested—and relieving the State from the onerous interest, accruing on these three per cent. bonds, we may certainly calculate, especially when it is considered that objects of taxation must annually increase, to defray, as they accrue, and in cash, all the expenses of an economical administration of the State Government.

The interest upon our civil bonds is well secured, and their ultimate redemption provided for by the Sinking Fund.

In this connection it is submitted that the revenue laws of the State will require revision and important alterations.

The provisions of the Revenue Act of the 23d of April, 1852, which imposes a tax upon the sale of consigned goods, has met with much resistance in the city of San Francisco. This measure is too important in its bearings upon the interests of the State to be neglected, and no means should be left untried, consistent with the Constitution, to enforce its provisions. I have been advised by the District Attorney of San Francisco County, (whose Report is herewith submitted) that in July last he submitted to the Grand Jury, on application of the Collector of the County, some two hundred indictments against parties charged with violating this Act, and that though informed by the County Judge, that the legal presumption was in favor of the constitutionality of the Act, the Grand Jury ignored the several bills presented under it. The reasons for the action of the Grand Jury are not expressly assigned, but in the opinion of the District Attorney, as well as the counsel employed to assist him, "the evident hostility which it manifested to the act," made it advisable not to institute any civil proceeding under it, but to await the action of the Legislature. I know of no better suggestion to make than that contained in the report of the Counsel employed to assist the District Attorney—that "proceedings both civil and criminal be authorized to be instituted in some other county to enforce compliance with its provisions." It is also further suggested that the clause of section seventy-seven, which gives to the vendor a lien on the owner of the goods, be repealed.

I have to renew the recommendation contained in my special message of last winter, in relation to the receipt of Comptroller's Warrants for all State dues;—a measure which it is believed will tend to secure an increased col-

lection of revenue, and at the same time serve to improve the credit of the State, not only in proportion as it diminishes the amount of her indebtedness, but as it also evidences an intention on the part of the State to deal justly with its creditors. The hardship and injustice done to the holders of adjusted civil demands against the State, in refusing to receive these demands in payment of claims held by the State against them, is too obvious to be dwelt upon for a moment. Equity and good faith require that this shall not longer continue to be the case.

In a financial point of view, too, it cannot be doubted that the system now in force operates injuriously upon the pecuniary affairs of the State. The injustice of the requirement to receive nothing but gold and silver, notwithstanding the tax payer may hold an ascertained and adjusted indebtedness of the State, is by many deemed so flagrant, that even well disposed persons, in view of it, are inclined to resist what they very naturally regard an illegal and burdensome exaction, and seek to avoid the payment of taxes, which, under other circumstances, would be cheerfully contributed. I cannot do less, therefore, than to earnestly recommend that the law be so changed as to authorize and direct collectors of taxes to receive these warrants.

By an Act of the Legislature approved March 26th, 1851, certain property of the State known as the "Beach and Water Lot Property," was released to the city of San Francisco for the term of ninety nine years—the city to pay into the State Treasury twenty-five per cent. upon all moneys arising from the disposition made of the property after the passage of the Act. On the 1st day of May, 1851, another Act was passed, relinquishing to the city certain Beach and Water Lot Property, upon the express condition that the titles which had been theretofore granted by any Justice of the Peace, should be confirmed. The conditions of neither Act have been complied with. The requirement to confirm grants made by Justices of the Peace has been wholly neglected, and but one thousand dollars have been paid into the State Treasury under provisions of the second Section of the Act of March 26th, 1851.

The whole property it is understood, however, has been sold under execution to satisfy judgments obtained against the city. It is unnecessary to present a full history of the proceedings which resulted in the sale of this property and the litigation which has consequently ensued. The duty is now devolved on the agents of the State to adopt measures to secure, as far as possible, its legal and just rights in the premises. The Attorney General has instituted suit for the whole of the property thus relinquished, but so ne time must necessarily elapse, before a decision of the questions involved can be had. I would recommend, therefore, that a Joint Committee be appointed, early in the session, charged with the duty of investigating the whole subject, and that they further examine and report whether the present limits of the city may not, without injury to the harbor, be extended, and if so, it is recommended that the addition be divided into lots of suitable size and leased for a term of years, under the direction of the Comptroller and Treasurer: the proceeds to be paid into the State Treasury. The right of the State to the use of this property, without injury to commerce, cannot be questioned: and the money arising therefrom would constitute an annual income which would form

an important item in the amount required to defray the necessary expenses of government.

I would also commend to your early consideration, that additional measures be adopted to secure escheated estates. It is believed that immensely valuable estates, which justly belong to California, are in the hands of, and held by, individuals. By the Constitution, this species of property is set apart for educational purposes; it is, in fact, the inheritance of the children of the State, and should be in all cases secured, and the proceeds appropriated as designed by the Constitution.

By an act of the last session, I was required to employ counsel to conduct certain suits in San Francisco, arising under the revenue laws. In pursuance of this requisition, counsel were employed in the following cases in which injunctions had been sued out by the parties to restrain the sale of certain property levied on by the sheriffs of San Francisco and Solano counties, to satisfy the revenue assessments of the State: Mintum, Mezzie & Co., Pacific Wharf, Charles L. Wilson, Pacific Mail Steamship Co., and Cornelius Vanderbilt, against the Sheriff of San Francisco, and the Pacific Mail Steamship Co., against the Sheriff of Solano county. The above cases were all instituted to restrain the collection of the State (and County) tax, assessed under the revenue act of 1851. The first, fourth, fifth and sixth, upon complainants' property in vessels; the second, upon complainants' property or franchise on Pacific Street Wharf; the third, upon complainants' property or franchise in the Mission Plank Road. The two first have been decided in favor of the State, upon appeal, by the Supreme Court; and the third in consequence of the decision of the two first, has been dismissed. The fourth, fifth and sixth, are still pending in the Federal Court. The result of these suits is of vast importance to the State, since the sum of perhaps \$100,000 depends directly on it. The parties complainant are large capitalists interested in some of the heaviest business enterprises conducted in the State, and are realizing immense profits from them. They resist the payment of taxes on the ground that the owners of the property sought to be taxed, are citizens of other States of the Union, and subject to taxation on the same property in the place of their residence. The fact, however, is indisputable that the parties who are thus seeking to avoid a not unreasonable contribution towards the support of our State Government, are operating under the protection of its laws in immense enterprises, and amassing fortunes from its citizens, who unlike them, cheerfully contribute to the support of that government whose protection they enjoy.

The subject of the future disposition of the lands within the State is daily assuming an increased importance. The unsettled condition of titles to this species of property has ever been, and still continues, a serious obstacle to our prosperity. Thousands of our fellow citizens stand ready to invest their means, and bend their energies to the development of the agricultural resources of our rich and inviting soil, laying broad and deep the foundations of future prosperity, on that surest basis of State greatness and independence; and thousands more of our most industrious and enterprising population are anxiously awaiting the action of Congress, which is to secure to themselves and families comfortable and permanent homesteads.

Perhaps two-thirds of the most valuable agricultural lands of the State

are claimed under Mexican or Spanish grants, the validity of which is yet undetermined. This is a subject which commands the immediate consideration of the Legislature. Some plan should be devised by which these claims may be more speedily and satisfactorily disposed of than by that which now exists. The present law of Congress on this subject is conceded to be defective. The circuitous and irregular proceedings required under it, through a Board of Commissioners, might be well and beneficially dispensed with, and these claims brought directly into the District Court of the United States, where the rules of legal evidence are observed; where witnesses are brought into court, examined and cross-examined, and where all the parties interested can be heard by counsel. Commissioners acting under the existing law, defective as it is conceded to be, have made or will hereafter make, few decisions which will not be appealed to the District Court. It must, therefore, be readily perceived how it will operate a great saving of time and expense to require them, in the first instance, to be brought before this judicial tribunal. I recommend that Congress be memorialized on the subject, with a view to the repeal of the present law, and the passage of an Act prescribing the mode of bringing these claims for adjudication and settlement at once before the United States District Court.

The superior importance of agriculture in promoting the prosperity of States is too well understood, and too universally conceded, to require extended comment. For the encouragement of this interest, and as an inducement to diversity of pursuits amongst the people of the State, I respectfully call your attention to the propriety of again exerting the influence of the Legislature in an effort to obtain the passage of a law by Congress donating the public lands in limited quantities to actual settlers.

The interests of both State and nation will unquestionably be best subserved by thus donating the public domain in small tracts. It will induce emigration to the State; greatly increase the amount of taxable property; and, above all, secure to us an abundance of the necessities of life produced at home; and thus retain amongst ourselves, to be applied in extending agricultural operations, the millions now expended annually for products of foreign growth.

An additional argument to enforce prompt and energetic action on this interesting subject, is found in the fact, that in consequence of the inadequate cultivation of the vast and productive lands of the State, it is now and will hereafter be in the power of unscrupulous capitalists and speculators to monopolize the very necessities of life, and thus reduce the laboring classes of our citizens, in many cases, to the verge of starvation.

It has been customary, also, for Congress to donate to the different States on their admission into the Union, lands for schools, universities and seminaries of learning.

This was not done in the case of California. It is true that by our admission, under the present Constitution, the diversion which that instrument makes of the 500,000 acres, donated for internal improvements to school purposes, was sanctioned by Congress; but this leaves our Internal Improvement Fund vacant. Other States have received both the internal improvement and school lands, besides special donations for universities, capitol buildings, and other objects.

Your attention is again respectfully directed to an Act of Congress passed

September 28th, 1851, entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits." Under the provisions of this Act the State of California will be entitled to many thousands of acres of very valuable lands; some practical disposition of which it will be necessary to make. When the Secretary of the Interior shall have made out accurate lists or plats of said lands, it is made my duty to apply for a patent to the State: on the issuance of which, the fee simple to said lands vests in the State, subject to the disposal of the Legislature. To avail ourselves of the benefits of this Act, steps should at once be taken and an economical plan of operations devised, to effect the early reclamation of the lands thereby donated. During the past two years, hundreds of our enterprising citizens have located upon these lands, and, at considerable expense and labor, made valuable improvements thereon. Justice and sound policy requires that they should be secured in their possessions on the most reasonable terms. The more liberal the terms, the more certain and prompt will be the reclamation of these lands and their improvement. Their speedy settlement and cultivation is a matter of great moment to the State, because it will add immensely to the amount of taxable property; and thus of course greatly increase our revenue. A partial knowledge of the location of these lands, as well as careful reflection, has satisfied me that their reclamation can be best effected by donating them to actual settlers, in fixed quantities, upon the same terms that we have received them from the General Government. The State must either reclaim each tract as sold, or devise a general plan of operations, which, by means of drains or levees, will reclaim the whole. Such a work will not only require years of labor, and much more treasure than will ever be realized from their sale, but will delay their improvement and greatly retard the prosperity of the State. I therefore recommend the passage of an Act donating these lands to actual settlers, in quantities not exceeding three hundred and twenty acres, if such limitation is considered judicious as a means of reclamation, upon condition that the settler shall defray the expense of selection, and within a stated period reclaim the land occupied; the land to be subject to taxation from and after the day of location.

I still adhere to the opinion expressed in my special message of the 30th January last, that the sale or lease of the mineral lands by the General Government, would exert a blighting influence upon the advancing prosperity of our growing State, and paralyze the energies of the enterprising body of men now engaged in developing the mineral resources of California. At present there are no exactions upon labor in the mines. All that can be gathered from the bed sands of our rivers, or dug from the deep recesses of our hills, belongs to the industrious and adventurous miner; and the knowledge that such is the fact, encourages to perseverance in well directed efforts to secure the hidden treasure. The reasons are indeed numerous and cogent why the National Government, in common justice, should make no additional exactions upon the industry and enterprise of our people, nor pursue a course of policy favored by none except those interested in the establishment of powerful monopolies, against the domination of which Government should assiduously guard.

By recent decisions of the Board of Land Commissioners, extensive

tracts of mineral lands have been confirmed to the claimants. In this important matter, I conceive it to be your duty to interpose so far as to secure, through our Representatives in Congress, an appeal of those cases to the highest judicial tribunal in the country. In this connection it may be proper to state, that the Secretary of the Interior, in a communication to Congress, contended, and rightfully as I believe, that the minerals within every grant of land made by Spain and Mexico were reserved, and that such had ever been the policy of both governments. In view, therefore, of the immense importance of this question to the people of California, I would respectfully recommend your prompt interposition—that you express the will of the State in the form of respectful resolutions, instructing our Senators and Representatives in Congress to adopt the necessary measures to secure an appeal, of these cases, to the Supreme Court of the United States.

The claim of the State against the General Government for revenue collected from our people before the laws and Constitution of the United States had been extended over us, should not be neglected. We are justly entitled to it, because we were contributing to the support of a Government which extended us no protection, and levied its burdens without securing to us the corresponding benefits which we had a right to expect. This subject has been so frequently presented, that it is not now considered necessary to do more than direct your attention to it.

Under the provisions of an act entitled an "Act providing for the erection of a State Prison," the Prison Commissioners selected San Quentin Point, in the County of Marin, as a suitable location, and purchased twenty acres of land for this purpose. They also, as authorized by the fourth and fifth sections of said Act, prepared and adopted a plan for a State Prison, and after giving the notice required by law, awarded the contract for the erection of the same. Under the proviso to the sixth section of the Act, I examined the proposals and approved the award—the contract having been awarded to the lowest responsible bidder.

It is proper here to remark in explanation, that in my opinion, the law does not require the Governor in the first instance to examine the plan of the building, nor to decide whether its erection, in accordance with the plan adopted by the Commissioners, would require too great an expenditure of public money. His only duty under the proviso to the sixth section was conceived to be, to consider and decide whether the contract had been awarded to the lowest responsible bidder. In this opinion I was sustained by the Attorney General. The work having been awarded by the Commissioners to the lowest responsible bidder, the award was approved by me on the sixth day of October. By reference to the law it will be observed, that the seventh section distinctly designates the Prison Commissioners as the parties to sign the contract on the part of the State. On the ninth of October the Prison Commissioners entered into a contract, which contract was placed on file in the office of the Secretary of State on the thirteenth of the same month. It is proper here to state, that different constructions are given to the eighth section, under which as yet, however, no official act has been performed; and, indeed, the incongruities and conflicting provisions of the entire act are apparent, and render official action under it difficult and doubtful in the extreme.

I have therefore considered it proper to transmit for your examination

a copy of the contract, (See Senate Appendix No. 7,) as well as direct your attention to the imperfections of the law, and commend the whole subject to your careful consideration.

The amount appropriated by the last Legislature for the relief of the Overland Emigration to this State, has been devoted to the object designed by that body, and has served to mitigate the sufferings and save the lives of numbers of valuable citizens. The report of the agents herewith submitted, will more fully and in detail exhibit their operations. (See Senate Appendix No. 8.)

The report of the Superintendent of Public Instruction contains many valuable suggestions on the interesting subject of Education. California will, probably, as soon as it can be judiciously expended, possess ample means to foster and sustain a system of common school education, which must in time give a high character to our civil institutions. The fund applicable to this object, the interest on which is to be annually appropriated for the exclusive support of Common Schools, is now nearly two hundred thousand dollars, and when the residue of the school lands are sold, will amount to one million. This considerable sum is still not the full extent of our means, or the only resource upon which our Common School system rests its future prospects and hopes. The last Legislature, alive to the great interests of education, and regarding its permanent and liberal support as intimately interwoven with the first duties of the representatives of a government which has derived form and vitality, and the future existence of which may be said to depend upon the intelligence of the people, wisely made provision for an additional sum pledged to the extension of the blessings and bounties of knowledge and science to every family within this, the youngest State of the confederacy. The additional means relied upon, consists in an annual tax of five cents of the thirty imposed on each one hundred dollars of valuation, which has already commenced flowing into the treasury, and on the 15th of December last, amounted to \$10,687 16; and the amount of interest due on the School Land Fund on the first day of January, \$5,412 31; making a total of \$16,099 46, now in the treasury. The amount of assessment, deducting expenses of collection, \$22,696 26, of which sum \$12,009 10 is still due from the several County Treasuries.

The amount realized annually from taxation, as well as the interest accruing on the amount derived from the sale of school lands, has been set apart for the sustenance of this ennobling system, from which, in a few years, the children of the State will reap the rich reward it promises, and participate in the blessings of mental culture and improvement dispensed by it.

The project of connecting the Pacific with the Atlantic Ocean by means of a railroad, may be said to have already been favorably considered by Congress, an appropriation having been made at its last session to defray the expenses of examining the several routes represented as practicable. Regarding it as a well understood and conceded fact, that the people of California are at least as deeply interested in this great work as those of any other section of the Union, an expression in its favor from their immediate representatives is expected by its advocates, and must have an influence with the representatives of the nation at large. It is not my pur-

pose, however, at this time, to point out the great commercial advantages to be derived from it, nor to spread before you facts demonstrative of its practicability; for in truth, at this time, but few question its feasibility, and all here concede that in common with the people of the Union, the citizens of California must derive incalculable benefits from its construction. I would therefore recommend that you again press the subject upon the attention of Congress in the manner you may deem best calculated to accomplish the object desired.

By reference to the compilation of the census of the State, received from the Secretary of State, to be transmitted in a few days, you will perceive that in the space of two years, our population has, not unexpectedly, however, greatly increased. Your attention is particularly invited to an examination of the statistics which this document contains; affording as they do, the most valuable and interesting information in relation to the wealth and resources of the State. The progress we have made, as exhibited by these returns, in all the arts and pursuits which identify a people with the permanent interests of their State, and affording assurances of continued advancement, is matter of high gratulation and just pride. Rich in minerals, prolific of other resources, possessing a population unequalled in enterprise and fearless energy, and holding, as it were, the key to the incalculable commerce of the Eastern World, the most dreaming visionary can scarcely paint too extravagantly the picture of the future greatness of our adopted State. Prudence, wisdom, and vigilance, in the management of her affairs, with the natural advantages possessed, cannot fail to work out a destiny at once the wonder and admiration of the world, and more than realize the hopes and expectations of those distinguished patriots and statesmen who so efficiently labored to acquire it.

The inadequacy of the numerical force of the United States attached to the Pacific Division of the Army for the protection of our citizens against Indian depredations, has unfortunately hitherto been too apparent, and continues to be a subject of just complaint. The number of regular troops detailed for service in California, has not, at any time, been proportionate to the demands of the service. The Indians upon our frontier are still hostile, and collisions between them and the whites have, during the past summer, been of frequent occurrence, and many of our most estimable and useful citizens been sacrificed in consequence of the neglect of the General Government to make adequate military provision for our protection. The defence of the frontier has already made our State responsible for a debt of more than \$800,000. This subject should be earnestly presented, and the strong and decisive interposition of the General Government, if possible, secured.

The annual Reports of the Comptroller of State, (see Senate Appendix No. 1,) Treasurer of State, (see Senate Appendix No. 2,) Surveyor General, (see Senate Appendix No. 3,) and Quarter-Master General, (see Senate Appendix No. 4,) are herewith transmitted. They will be found to contain reliable and important statistics and many well matured suggestions, to which you will find it necessary to make frequent reference, in the performance of your legislative labors. I also herewith transmit a communication from Brigadier-General Hitchcock, the officer in command of the Pacific Division of the United States Army, exhibiting the number of troops under

his command, and designating the points where stationed within the State. (See Senate Appendix No. 5.)

The report of the committee appointed by the Senate at the last session to examine the books and accounts of the Comptroller and Treasurer of State is herewith transmitted. (See Senate Appendix No. 6.)

By an Act passed at the last session, the Governor was authorized to procure a suitable block of marble and transmit it to the Washington Monument Society. Following the plan understood to have been adopted by the other States, I made arrangements for three pieces of different shades and differently variegated, which were intended to represent the three important events in our history—the acquisition of California by treaty, adoption of the Constitution, and admission of the State into the Union. Two of these were delivered at Sacramento city, but were destroyed by the great fire of November last, and before the delivery of the third. The block secured is four feet in length and twenty-two inches square. It is now in Sacramento city, and will be shipped without unnecessary delay.

It will be recollected that the block of quartz transmitted in 1850, though perhaps not formally rejected by the Washington Monument Society, was by our Representatives in Congress and other citizens at Washington decided to be unworthy the State, and the Legislature was memorialized to procure and furnish another. I have endeavored to procure a block which should reflect honor on the State; and although the original design has been defeated by the destruction of two of the pieces, that remaining is very beautiful, and I doubt not will compare favorably with any of the various specimens of marble presented by the other States.

I will be pardoned the suggestion, that whatever measures you may find it necessary to adopt, should be acted upon with promptness and dispatch, so far as it can be done consistently with due deliberation, and delivered to me for approval a sufficient length of time before adjournment, to enable me to give them proper consideration. The propriety of this suggestion will be appreciated, when it is understood that over one third of the whole number of Acts passed by the last Legislature, and at least one-half of the most important, were presented for my approval within the three last days of the session.

In conclusion, allow me to express the hope, that whatever measures you shall mature, with the single object of promoting the well being of the State, whose interests you represent, may fully realize your most sanguine expectations, and result in attaining those blessings, civil and political, which it is the grand design of all well regulated and wisely administered governments to secure; and to renew the assurance that it will at all times be my highest pleasure to co-operate with you.

Under the guidance and protecting care of that Divine Goodness which has nurtured and preserved us heretofore, let us enter with cheerful confidence upon the labors awaiting us in the future.

JOHN BIGLER.

CITY OF VALLEJO, January 3, 1853.

Mr. Canney moved to print 5000 copies of the message in English, 2500 in Spanish, and 2000 in German.

Not agreed to.

Mr. Covarrubias moved to print 1000 copies in Spanish.

Agreed to.

Mr. Carpentier moved to print 1000 copies in German.

Not agreed to.

The Speaker laid before the House sundry documents which accompanied the Governor's message ; which, on motion of Mr. McMeans, were laid on the table.

The Speaker also laid before the House, papers in reference to the contest of the seat of Mr. Carpentier.

Which were also laid upon the table.

On motion of Mr. Heydenfeldt, the House adjourned until to-morrow at 10 o'clock, A. M.

HOUSE OF ASSEMBLY.

THURSDAY, January 6, 1853.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent: Messrs. Blake, Bostwick, Covarrubias, Fairfax, Gardner, Irwin, Lee, McFarland, Thomas and Yeiser.

The Journal of yesterday was read, amended and approved.

The Speaker announced the House ready to proceed to business.

Mr. McMeans introduced a bill to fix the times of holding courts in the eleventh Judicial District.

Which was read a first and second time and referred to a special committee ; Messrs. McMeans, Myres, Carpentier, Hydenfeldt, Garfield and Caldwell were appointed said committee.

Mr. Robinson gave notice that at an early day he would introduce the following bills :

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29th, 1851.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed March 11, 1851.

An Act to amend an Act entitled an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851.

An Act to provide a method of supplying public records that have been lost or destroyed.

An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April 20, 1852.

Mr. Wing gave notice that he would on Monday next, or some day thereafter, introduce a bill entitled

An Act to suppress Gambling.

Mr. Carpenter introduced a bill to authorize certain officers to qualify and enter upon their official duties.

Read a first and second time and ordered to a third reading on to-morrow.

Mr. Canney, Chairman, made the following report:

The select committee appointed to draft standing rules and orders for the House of Assembly of the State of California, have had the same under consideration, and beg leave to make the following report, and recommend its adoption.

Pending the reading of the report, on motion of Mr. Heydenfeldt, the House took a recess of one hour.

The House re-assembled.

Mr. McMeans moved to strike out fifty cents, where it occurs for mileage to witnesses, and insert thirty cents.

Agreed to.

Mr. Johnson moved to strike out fifty cents, where it occurs for mileage to the Sergeant-at-Arms, and insert thirty cents.

Agreed to.

Mr. Snyder moved to strike out the standing committee on Indian Reservations.

Agreed to.

Mr. Johnson moved to strike out "canals," in the fifty ninth rule, and insert "highways."

Agreed to.

Mr. Hoff moved to strike out standing committee on Indian Affairs, and devolve their duties upon the Committee on Military Affairs.

Not agreed to.

Mr. McMeans moved to adopt the rules reported by the Committee, as amended.

Agreed to. (See Appendix No. 1.)

Mr. Johnson gave notice that he would, at an early day, introduce the following bills:

To amend An Act to regulate fees of Public Officers.

To amend An Act to provide for levying, assessing and collecting Public Revenue.

To amend An Act to create a Board of Supervisors for the counties of this State, and to define their duties.

To amend An Act to incorporate the City of Sacramento.

An Act to provide for funding the Public Debt of Sacramento County.

An Act to regulate the salaries of Officers and pay of Members of the Legislature.

An Act to regulate Elections.

Mr. McMeans offered the following resolution :

Resolved, By the Assembly, the Senate concurring, that the Public Printers for the State be and are hereby required to execute so much of the public printing as may be necessary for the dispatch of business during the present session of the Legislature, at the city of Vallejo.

Mr. Canney moved to lay the resolution on the table.

Agreed to.

Mr. Hoff introduced a Joint Resolution creating a committee to investigate the passage of the State Prison Bill last session.

Adopted.

Messrs. Hoff, McCandless, Snyder, Conness and Canney were appointed on the part of the House.

Mr. Wing offered the following, which was adopted.

Resolved, That the Sergeant-at-Arms have leave of absence for two days, for the purpose of procuring articles necessary for the use of the Assembly.

Mr. Conness moved that two hundred copies of the Rules of the House be printed, and that one hundred copies be for the use of the House, and one hundred copies deposited with the Secretary of State.

Agreed to.

Mr. Johnston moved to reconsider the vote just taken.

Agreed to.

Mr. Crenshaw moved to amend the motion made by Mr. Conness, by printing one hundred copies of the rules, for the use of the House.

Agreed to.

The following message was received from the Senate :

Mr. Speaker :

I am instructed to inform the Assembly, that the Senate this day passed a bill entitled an Act to fix the time of holding Court in the Eleventh Judicial District, and also, a Joint Resolution adopting the Joint Rules and Orders of the last Legislature.

A. C. BRADFORD, Secretary.

Mr. Robinson offered the following, which on motion of Mr. Canney, was laid upon the table.

Resolved, That the Sergeant-at-Arms be instructed to procure a clock, to be placed in some conspicuous place in the Assembly Room, by which to regulate adjournment.

On motion made by Mr. Moore, leave of absence was granted to Mr. Gardner for three days.

Mr. Wing moved to reconsider the vote of yesterday, which refused to print one thousand copies of the Governor's Message in German.

Upon which, Mr. Canney demanded the ayes and nays, seconded by two other members.

Those who voted to reconsider were—

Messrs. Blake,
Brush,
Canney,
Carpentier,
Cardozo,
Fairfax,
Garfield,
Herbert,
Irwin,
Johnson,
Lee,
Leake,
Meredith,
McGarry,

Messrs. McMeans,
Moore,
Myres,
Oliver,
Redding,
Robinson,
Rogers,
Snyder,
Thomas,
Van Dyke,
Wall,
Wells,
Wilson,
Wing—28.

Those who voted against reconsideration, were—

Messrs. Bostwick,
Cabaniss,
Caldwell,
Carhart,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Heydenfeldt,

Messrs. Hoff,
Hunt,
Kittredge,
Knight,
Letcher,
Mandeville,
Martin,
McFarland,
Owen,
Reading,
Sime,
Taylor,
Walker—26.

So the vote was reconsidered.

Mr. Wing moved to print one thousand copies in the German language.

Mr. Fairfax offered the following as an amendment :

Resolved, That one thousand copies of the Governor's Message be printed in German, *Provided*, the cost of such publication does not exceed the cost of publication in English, of the same number of copies.

Adopted.

Mr. Canney moved that four thousand additional copies of the Governor's Message be printed in English, *Provided*, there be no additional expense for composition.

Not agreed to.

Senate Joint Resolution to adopt Joint Rules and Orders of the last Legislature, read first time.

Mr. Carpentier moved its reference to a committee of three.

Not agreed to.

A motion was made, and carried, to have the Joint Rules read.

After which, the Joint Resolution of the Senate was adopted.

Mr. McCandless offered the following :

Resolved, The Senate concurring, That the Legislature will hold its present session in the city of Benicia.

Laid upon the table.

Mr. Brush moved to adjourn.

Not agreed to.

Mr. Snyder introduced the following :

Resolved, That a special committee of five be appointed to inquire and report to this House, what disposition was made of the furniture in possession of the Assembly at its last session, and also, by what authority the furniture now in use, was purchased.

On motion of Mr. Heydenfeldt, the Resolution was indefinitely postponed.

Mr. Crenshaw moved to take from the table, the resolution in reference to removal to the city of Benicia, and make it the special order for to morrow, at 12 o'clock.

Agreed to.

On motion of Mr. Brush, the House adjourned until 10 o'clock, to morrow.

HOUSE OF ASSEMBLY.

FRIDAY, January 7, 1853.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent :

—Messrs. Heydenfeldt, McCandless and Yeiser.

The Journal of yesterday was read, amended, and approved.

The Speaker announced the following Standing Committees :

On Elections—Messrs. Brush, Flower, Herbert, Walker and Fairfax.

On Corporations—Owen, Wells and McCandless.

On Claims—Crenshaw, Conness and McGarry.

On Ways and Means—McMeans, Bell, Irwin, Hally, Heydenfeldt, Smith and Kittredge.

On Judiciary—Yeiser, Moore, Heydenfeldt, Oliver, Garfield, Carpentier, Flower, Hoff and Johnson.

On Federal Relations—Garfield, Flower, Crenshaw, Thomas, Van Dyke, Robinson and Oliver.

On Military Affairs—Covarrubias, Herbert and Robinson.

On Counties and County Boundaries—Ewing, Cabaniss and Hunt.

On Commerce—Cardozo, Bostwick, Johnson, Wilson, Blake, Taylor and Moore.

On Agriculture—Kittredge, Letcher and Lee.

On Roads and Highways—Mandeville, Knight and Pacheco.

On Indian Affairs—Canney, Reading and Rogers.

On Education—Fairfax, Bell and Cardozo.

On Public Buildings—Sime, Meredith and Carhart.

On Public Expenditure—Wing, Caldwell and Snyder.

On Public Printing—Snyder, Mandeville, Harrison, Brush and Hally.

On Accounts—Conness, McKamy and Taylor.

On Engrossed Bills—Thomas, Blake and Wing.

On Enrolled Bills—Wilson and Bostwick.

On Mines and Mining Interests—Gardner, Myres, Redding, Hoff, Reading, Canney, Brush, Cabaniss and Wilson.

On State Prison—Moore, Leake, Martin, Myres and Proctor.

On Mileage—Blake, Ewing and Estep.

On Public Lands—Cardozo, Owen, Wells, McFarland and Knight.

On Missions and Mission Lands—Tighlman, Meredith, Rogers, Pacheco and Covarrubias.

On State Hospitals—McFarland, Sime, McMeans, Wing and Estep.

Mr. McMeans made the following report :

The special committee, to whom was referred the bill for An Act to fix the time of holding the Courts in the Eleventh Judicial District, have had the subject under consideration and beg leave to submit the following bill as a substitute, and recommend its passage.

Report adopted.

The bill was then considered as engrossed, read a third time and passed. Mr. Myres offered the following :

Resolved, That so much of the Governor's message as relates to changes in the Constitution, be referred to a committee of thirteen.

Mr. Brush moved to refer the resolution to the Judiciary Committee.

Not agreed to.

The resolution was then adopted ; and Messrs. Myres, Canney, Bell, Pacheco, Moore, Heydenfeldt, Kittredge, Tighlman, Hally, McCandless, McMeans, Leake and Fairfax were appointed said committee.

Mr. Leake gave notice that at an early day he would introduce a bill to amend An Act concerning the Courts of Justice in this State and Judicial Officers, passed March 11th, 1851.

Also, An Act to amend an Act to provide for the protection of Foreigners, and to define their liabilities and privileges ;

Also, An Act to Fund the Debt of Calaveras County, and provide for the payment thereof.

Mr. Wing gave notice that he would, at an early day, introduce a bill entitled An Act to amend an act entitled an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, approved May 4, 1852.

Mr. Knight gave notice that on some future day, he would introduce an amendment to the act entitled An Act defining the time for commencing Civil Actions.

Mr. Hally gave notice that on some future day, he would introduce a bill to be entitled An Act to protect the Settler in the value of all improvements put upon unimproved and on unsurveyed lands, which may prove to be on Mexican or Spanish grants of land.

Mr. Flower gave notice that he would, on Monday next or some future day, introduce the following bills :

An Act to repeal an act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27, 1852 ;

An Act to provide for the more perfect indexing and classification of the Land Records of the City and County of San Francisco.

Mr. Carpentier introduced a bill for An Act to fix the Terms of the District Court for the third judicial district.

Read first and second time, and referred to the delegation named in the bill.

Mr. Van Dyke gave notice that at an early day he would introduce the following bills :

A bill entitled An Act to change and define the Boundaries of Trinity and Klamath counties ; also,

A bill to establish a new County, to be called Washington county.

Mr. Cardozo gave notice that he would, at an early day, introduce a bill for An Act to exempt all active Firemen of the State of California from jury duty.

Also, an Act fixing the time they shall serve to be forever exempt.

Mr. Johnson offered the following resolution, which was adopted :

Resolved, That the various matters contained in the Governor's message, to which the attention of the Legislature is especially directed, be referred as follows :

To the Committee on the Judiciary, so much thereof as relates to District Judges and District Attorneys ; to the tax on consigned goods ; beach and water lots, and escheated estates.

To the Committee on Ways and Means, so much thereof as relates to the revenue laws, and finances of the State.

To the Committee on Finance, so much thereof as relates to the receipts of Comptroller's warrants for public dues.

To the Committee on State Prison, so much thereof as relates to the offices of State Prison Inspectors and State Prison.

To the Committee on Public Lands, so much thereof as relates to public and swamp lands in this State.

To the Committee on Federal Relations, so much thereof as relates to private land claims and land titles, war debt of the State, and revenue collected within the State prior to admission into the Union.

To the Committee on Education, so much thereof as relates to the report of Superintendent of Public Instruction and Education.

To the Committee on Public Buildings and Grounds, so much thereof as relates to the office of Superintendent of Public Buildings.

To the Committee on Public Expenditures, so much thereof as relates to the salaries of public officers and members of the legislature, and public expenditures.

To the Committee on Roads and Highways, so much thereof as relates to the Atlantic and Pacific railroad.

Mr. Cabaniss gave notice that on a future day he would introduce a bill entitled An Act to prevent irresponsible men availing themselves of the general Corporation Act, and thereby monopolizing water privileges in the mining counties to the detriment of the mining interests.

Mr. Canney gave notice that on Monday, or some convenient day thereafter, he would introduce a bill to apportion the Senatorial and Assembly Districts throughout the State.

Mr. Myres gave notice that at some early day he would introduce a bill to recommend the call of a convention to revise and amend the Constitution.

Senate bill for An Act to fix the times of holding Court in the Eleventh Judicial District, on motion of Mr. Myres, was indefinitely postponed.

Mr. Johnson gave notice, that on Monday next, he would move to amend the Standing Rules, so as to create a Committee on State Hospitals, and define their duties.

Mr. Crenshaw moved to take up the special order of the day, which was a resolution to hold the present session of the Legislature at Benicia.

Not agreed to.

Mr. Canney offered the following :

Resolved, That the Sergeant-at-Arms be ordered to furnish to the order of each member, two daily and one weekly paper.

Mr. Brush moved to lay the resolution on the table.

Agreed to.

Mr. Heydenfeldt moved a call of the House, which was sustained.

The Clerk called the roll, and the following members were absent: Mr. McCandless and Mr. Speaker.

On motion of Mr. Canney, the Sergeant-at-Arms was dispatched after the absent members.

Mr. Canney moved to dispense with further proceedings under the call.

Agreed to.

Mr. Van Dyke introduced a Joint Resolution of instructions to our Senators in reference to Mail Routes in the northern part of the State,

Which was read and referred to the Committee on Federal Relations, with instructions to report promptly.

The special order, being a resolution in reference to removal to Benicia, came up for consideration.

Mr. Van Dyke offered a Concurrent Resolution as a substitute, proposing to create a joint committee to investigate the matters connected with the seat of government, &c.

Upon which Mr. McCandless, demanded the ayes and nays, which was seconded by two other members.

Those who voted in favor of the substitute, were—

Messrs. Canney,
Cardozo,
Covarrubias,
Ewing,
Hoff,
Irwin,
Mandeville,

Messrs. Martin,
McGarry,
Owen,
Pacheco,
Van Dyke,
Wells—13.

Those who voted against the substitute, were—

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Caldwell,

Messrs. Leake,
Letcher,
Meredith,
McCandless,
McFarland,

Messrs. Carhart,
Carpentier,
Conness,
Crenshaw,
Estep,
Fairfax,
Flower,
Garfield,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Kittredge,
Knight,
Lee,

Messrs. McMeans,
Moore,
Myres,
Oliver,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wilson,
Wing,
Yeiser—43.

So the substitute did not pass.

Mr. Johnson moved to postpone the subject until Monday next, and make it the special order.

Not agreed to.

Mr. Mandeville moved to reconsider the vote which refused to postpone until Monday next.

The vote was reconsidered.

Mr. Johnson then withdrew his motion to postpone until Monday next, and moved to reconsider the vote which refused to adopt the substitute offered by Mr. Van Dyke.

The vote was reconsidered.

The substitute offered by Mr. Van Dyke was then adopted, and Messrs. Van Dyke, Crenshaw and Conness were appointed on the part of the House.

Mr. Crenshaw presented sundry documents relating to a contested election in Klamath county, which by order were referred to the Committee on Elections, and power given to the committee to send for persons and papers.

Mr. Myres offered the following, which was adopted :

Resolved, That in consideration of to-morrow being the eight day of January, the anniversary of the Battle of New Orleans, that when we adjourn, we adjourn to meet on Monday next, at 12 o'clock.

Mr. Irwin moved that the Judiciary Committee, the Committee on Ways and Means, and the Committee on Elections, be authorized, each, to employ a clerk ; which, on motion of Mr. Canney, was laid on the table.

On motion of Mr. Moore, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, January 10, 1853.

The House met pursuant to adjournment.

There being no quorum present,

On motion of Mr. McMeans, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Covarrubias, Crenshaw, Flower, Gardner, Hunt, McCandless, Moore and Yeiser.

The Journal of Friday was read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Smith, member elect from Santa Clara county, appeared, was qualified, and took his seat.

Mr. Garfield, chairman, made the following report:

The Committee on Federal Relations, to whom was referred the Joint Resolution in relation to the establishment of Post Offices and Post Roads in the northern section of the State, have had the same under consideration, and beg leave to report them back to the House with but slight verbal amendments.

The report of the committee was adopted and the resolutions passed.

On motion, leave of absence for one day was granted to Messrs. Gardner and Yeiser.

According to previous notice given, Mr. Johnson moved to create a committee on State Hospitals, with the following instructions: It shall be the duty of the Committee on State Hospitals, to take into consideration all such matters pertaining to the Public Hospitals of this State, as shall be referred to them by the House, and when the same shall become necessary, to report thereon, together with such propositions relating thereto as they may deem expedient.

Adopted.

Mr. Mandeville offered the following:

Resolved, That the Speaker of the House be, and he is hereby authorized to appoint one or more porters for this body, when, in his judgment it

is necessary, and to discharge them when he may think their services are no longer required.

Adopted.

Mr. Heydenfeldt introduced a bill for An Act to establish a permanent Seat of Government.

Read first time.

Mr. Canney moved to reject the bill, and demanded the ayes and nays :

Those who voted to reject, were—

Messrs. Bell,

Blake,

Brush,

Cabaniss,

Caldwell,

Canney,

Carhart,

Carpentier,

Covarrubias,

Estep,

Ewing,

Hally,

Harrison,

Herbert,

Hoff,

Messrs. Johnson,

Knight,

Leake,

Mandeville,

McGarry,

McMeans,

Oliver,

Owen,

Pacheco,

Reading,

Robinson,

Rogers,

Van Dyke,

Walker,

Wells—30.

Those who voted against rejection, were—

Messrs. Bostwick,

Conness,

Cardozo,

Crenshaw,

Fairfax,

Flower,

Garfield,

^{W. O. H.} Heydenfeldt,

Irwin,

Kittredge,

Lee,

Letcher,

Martin,

Meredith,

Messrs. McCandless,

McFarland,

Moore,

Myres,

Redding,

Sime,

Snyder,

Smith,

Taylor,

Thomas,

Wilson,

Wing,

Speaker—27

So the bill was rejected.

Mr. Cardozo introduced a bill for An Act to repeal the fourteenth section of an Act entitled an Act to Fund the indebtedness of the State, which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds.

Read first and second time, and referred to Committee on Ways and Means.

Mr. Carpentier introduced a bill for An Act to repeal an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851.

Read first time, and ordered to a second reading to-morrow.

Mr. Carpentier gave notice that, at an early day, he would introduce the following bills:

To abolish the office of State Prison Inspectors.

To repeal An Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office.

To amend the Charter of the town of Oakland.

To provide for the immediate Publication of the Laws.

To provide for an equal distribution of the School Moneys, and to protect the Improvements of Settlers upon Lands presumptively Public Lands.

Also, that he will at a late day of the session, introduce bills to be entitled the Revised Statutes of the State of California.

Mr. McMeans introduced a bill for An Act to set apart five thousand dollars to meet the current Contingent Expenses of the Assembly.

Read first time and ordered to a second reading on to-morrow.

Mr. McMeans also introduced a bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Read first and second time, and referred to Committee on Ways and Means.

Mr. Brush offered the following:

Resolved, That the Committee on Elections be empowered to employ a clerk.

Agreed to.

Mr. Owen gave notice that, at an early day, he would introduce a bill to attach the Island called Signor or Mare Islan to Solano county.

Also a bill to amend An Act to authorize William Moody and Morgan Hart to build a Wharf in the county of Solano.

Mr. Wing gave notice that, at an early day, he would introduce a bill for An Act supplemental to an Act entitled an Act to establish a System of Common Schools, approved May 3, 1852.

Also a bill for An Act to amend an Act entitled an Act to regulate fees in Office, passed May 1, 1851.

Mr. Conness moved to reconsider the vote which gave to the Committee on Elections power to appoint a clerk, and demanded the ayes and nays:

Those who voted to reconsider, were—

Messrs. Canney,
Carpentier,
Conness,
Ewing,

Messrs. Garfield,
Sime,
Snyder,
Taylor—8.

Those who voted against reconsideration, were—

Messrs. Bell,

Blake,

Bostwick,

Brush,

Cabaniss,

Caldwell,

Carhart,

Cardozo,

Covarrubias,

Crenshaw,

Estep,

Fairfax,

Flower,

Hally,

Harrison,

Herbert,

Heydenfeldt,

Hoff,

Irwin,

Johnson,

Kittredge,

Knight,

Lee,

Leake,

Letcher,

Messrs. Mandeville,

Martin,

Meredith,

McCandless,

McFarland,

McGarry,

McMeans,

Moore,

Myres,

Oliver,

Owen,

Pacheco,

Reading,

Redding,

Robinson,

Rogers,

Smith,

Thomas,

Van Dyke,

Walker,

Wells,

Wilson,

Wing,

Speaker—49.

So the vote was not reconsidered.

Mr. Robinson moved to take from the table a resolution proposing to furnish each member with two daily papers and one weekly.

Agreed to.

Mr. Van Dyke moved to amend by saying four dailies, or papers equal to that number.

Mr. Garfield moved to amend the amendment by inserting a copy of each paper published in this State.

Not agreed to.

The motion of Mr. Van Dyke was then adopted.

Mr. Canney moved to reconsider the vote which adopted the amendment offered by Mr. Van Dyke.

Mr. Wing moved to indefinitely postpone the motion to reconsider.

Motion carried.

On the final passage of the resolution as amended, Mr. Conness demanded the ayes and nays:

Those who voted for the passage of the resolution, were—

Messrs. Bell,

Bostwick,

Brush,

Cabaniss,

Messrs. Mandeville,

Meredith,

McCandless,

McFarland,

Messrs. Canney,
 Carhart,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Estep,
 Ewing,
 Fairfax,
 Harrison,
 Herbert,
 Irwin,
 Johnson,
 Kittredge,
 Knight,
 Lee,
 Leake,
 Letcher,
 Martin,

Messrs. McGarry,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Pacheco,
 Reading,
 Redding,
 Robinson,
 Rogers,
 Smith,
 Thomas,
 Van Dyke,
 Walker,
 Wells,
 Wilson,
 Wing
 Speaker—44.

Those who voted against the resolution, were—

Messrs. Blake,
 Caldwell,
 Carpentier,
 Conness,
 Flower,
 Garfield,
 Hally,

Messrs. Heydenfeldt,
 Hoff,
 Owen,
 Sime,
 Snyder,
 Taylor—13.

So the resolution was passed.

Mr. Robinson moved to reconsider the vote just taken.

Mr. McCandless moved to indefinitely postpone the motion to reconsider.

Mr. Garfield demanded the ayes and nays :

Those who voted to postpone, were—

Messrs. Bell,
 Bostwick,
 Brush,
 Cabaniss,
 Canney,
 Carhart,
 Carpentier,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Estep,
 Ewing,
 Fairfax,

Messrs. Mandeville,
 Martin,
 Meredith,
 McCandless,
 McFarland,
 McGarry,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Pacheco,
 Reading,
 Redding,

Messrs. Flower,
Harrison,
Herbert,
Heydenfeldt,
Irwin,
Johnson,
Kittredge,
Knight,
Lee,
Leake,
Letcher,

Messrs. Robinson,
Rogers,
Smith,
Thomas,
Van Dyke,
Wilson,
Wells,
Walker,
Wing,
Speaker—47.

Those who voted against postponement, were—

Messrs. Blake,	Messrs. Hoff,
Caldwell,	Owen,
Canness,	Sime,
Garfield,	Snyder,
Hally,	Taylor—10.

So the motion was indefinitely postponed.

Mr. Robinson moved to adjourn until 10 o'clock to-morrow.

Not agreed to.

Mr. Carpentier moved to adjourn.

Not agreed to.

Mr. McMeans moved that the committee appointed to consider the question of the Capitol, &c., have until 12 o'clock to-morrow to report.

Agreed to.

Mr. Redding moved to adjourn until 10 o'clock to-morrow.

Agreed to.

HOUSE OF ASSEMBLY,

TUESDAY, January 11, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Bell, Carpentier, Estep, Fairfax, Herbert, Hunt, Kittredge, Lee, Moore, Redding and Walker.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Carpentier for one day.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate on the 7th inst., passed a Joint Resolution, herewith transmitted, granting four months' leave of absence to John C. Hays, Sheriff of San Francisco:

And passed this day Assembly bill for An Act to fix the times of holding Courts in the Seventh Judicial District.

A. C. BRADFORD,

Secretary Senate.

Mr. McMeans, Chairman, made the following report:

The Committee on Ways and Means, to whom was referred An Act to repeal the fourteenth section of an Act entitled an Act to fund the indebtedness of the State, which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive; and to provide for the payment of the three per cent. Bonds, approved May 1, 1852; have had the same under consideration, and beg leave to report it back to the House without amendment, and recommend its passage.

On motion of Mr. Wing, the House resolved itself into committee of the whole, Mr. Wing in the chair, to consider a bill to repeal the 14th section of the Act to fund the indebtedness of the State.

After spending some time in consideration of the bill, on motion of Mr. McMeans, the committee rose, reported the bill back to the House without amendment, and asked leave to be discharged from its further consideration.

The committee was discharged.

The bill was then considered as engrossed, read a third time and passed.

Mr. McMeans made the following report:

The Committee on Ways and Means, to whom was referred a bill entitled An Act requiring the Comptroller to audit certain bills of the members of the present Legislature, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

On motion of Mr. McMeans, the House resolved itself into committee of the whole, Mr. Heydenfeldt in the chair, to consider a bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

After spending some time in its consideration, on motion of Mr. McMeans, the Committee rose, reported the bill back, and asked to be discharged.

The Committee were discharged.

The bill was then considered as engrossed, and upon its final passage Mr. Robinson demanded the ayes and nays.

Those who voted for the passage of the bill were--

Messrs. Bell,

Bostwick,

Brush,

Cabaniss,

Canney,

Carhart,

Cardozo,

Crenshaw,

Estep,

Ewing,

Fairfax,

Hally,

Herbert,

Heydenfeldt,

Hoff,

Irwin,

Kittredge,

Knight,

Leake,

Messrs. Letcher,

Mandeville,

Meredith,

McCandless,

McGarry,

McMeans,

Moore,

Myres,

Oliver,

Owen,

Reading,

Redding,

Rogers,

Smith,

Thomas,

Walker,

Wells,

Wilson,

Wing—38.

Those who voted against the passage of the bill were—

Messrs. Blake,

Caldwell,

Conness,

Covarrubias,

Flower,

Garfield,

Harrison,

Johnson,

Martin,

Messrs. McFarland,

Pacheco,

Robinson,

Sime,

Snyder,

Taylor,

Van Dyke,

Speaker—17.

So the bill passed.

Mr. Heydenfeldt gave notice, that at an early day he would introduce a bill to repeal An Act entitled an Act to incorporate the town of Oakland, and to provide for the construction of Wharves thereat.

Mr. Crenshaw introduced a Concurrent Resolution to remove the present session to Benicia.

Mr. Wing offered a Concurrent Resolution as a substitute, to remove to Sacramento.

On motion of Mr. Taylor, it was laid upon the table.

Mr. Cabaniss offered a substitute to the resolution offered by Mr. Crenshaw, to remain at Vallejo

Mr. Johnston moved to strike out the preamble to the resolution offered by Mr. Cabaniss.

Not agreed to.

Mr. Moore moved to lay the resolution offered by Mr. Cabaniss on the table.

Agreed to.

Mr. Heydenfeldt moved a call of the House.

The call was sustained.

The Clerk then called the roll and the following members were absent : Messrs. Hunt, Lee, and McCandless.

On motion, the Sergeant at Arms was dispatched for absent members.

On motion, Messrs. McCandless and Lee were admitted within the bar of the House, and excused.

Mr. Johnson moved to dispense with further proceedings under the call.

Agreed to.

Mr. Heydenfeldt demanded the previous question.

The Speaker put the question, "Shall the main question now be put?"

Upon which, Mr. Johnson demanded the ayes and nays.

Mr. Heydenfeldt withdrew the demand for the previous question.

Mr. Moore renewed the motion.

Those who voted to sustain the previous question were—

Messrs. Bell,
Bostwick,
Carhart,
Ewing,
Herbert,
Hoff,
Irwin,
Leake,
Mandeville,
McCandless,
McFarland,
McMeans,
Moore,

Messrs. Oliver,
Owen,
Redding,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Walker,
Wells,
Speaker—25.

Those who voted against the previous question, were—

Messrs. Blake,
Brush,
Cabaniss,
Caldwell,
Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,

Messrs. Johnson,
Kittredge,
Knight,
Lee,
Letcher,
Martin,
Meredith,
McGarry,
Myres,
Pacheco,
Reading,
Robinson,
Smith,
Wilson,
Wing—31.

So the previous question was not sustained.

Mr. Johnson moved to strike out Benicia.

Mr. Moore moved a call of the House.

The call was sustained.

The Clerk called the roll, and it appeared that all the members were present, but those absent by leave granted.

Mr. Canney moved to dispense with further proceedings under the call.

Agreed to.

The motion to strike out Benicia was then put to the House, and lost.

Mr. Wing moved the indefinite postponement of the original resolution.

Mr. Canney demanded the ayes and nays.

Upon inquiry made by a member, the Speaker decided that the indefinite postponement of the resolution did not prevent the subject being presented to the House in some other form.

From which decision Mr. McMeans appealed.

The Speaker put the question, "Shall the decision of the Speaker be the judgment of the House?" the House sustained the Speaker.

The question then came up for indefinite postponement.

Those who voted for indefinite postponement were—

Messrs. Bell,
Blake,
Caldwell,
Covarrubias,
Estep,
Ewing,
Harrison,
Herbert,
Heydenfeldt,

Messrs. Mandeville,
Meredith,
McGarry,
McMeans,
Myres,
Oliver,
Pacheco,
Reading,
Robinson,

Messrs. Hoff,
Hunt,
Johnson,
Lee,
Leake,

Messrs. Rogers,
Walker,
Wells,
Wing—27.

Those who voted against the indefinite postponement were—

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Carhart,
Conness,
Cardoza,
Crenshaw,
Fairfax,
Flower,
Garfield,
Hally,
Irwin,
Kittredge,
Knight,

Messrs. Letcher,
Martin,
McCandless,
McFarland,
Moore,
Owen,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Van Dyke,
Wilson,
Speaker—30.

So the resolution was not indefinitely postponed.

Mr. Johnson moved to strike out Benicia and insert Vallejo, and demanded the ayes and nays, and also demanded the previous question.

The House sustained the previous question.

Mr. Johnson moved to reconsider the vote for the previous question.

Carried.

Mr. Johnson then withdrew the demand for the previous question.

The question then came up to strike out "Benicia" and insert "Vallejo."

Those who voted to strike out and insert were—

Messrs. Bell,
Cabaniss,
Caldwell,
Covarrubias,
Estep,
Ewing,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Irwin,
Johnson,
Lee,

Messrs. Leake,
Mandeville,
McGarry,
McMeans,
Myres,
Oliver,
Pacheco,
Reading,
Robinson,
Rogers,
Van Dyke,
Walker,
Wells—27.

Those who voted against striking out and inserting were—

Messrs. Blake,
Bostwick,
Brush,
Canney,
Carhart,
Conness,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Garfield,
Hunt,
Kittredge,
Knight,
Letcher,

Messrs. Martin,
Meredith,
McCandless,
McFarland,
Moore,
Owen,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Wilson,
Wing,
Speaker—30.

So the motion to strike out was lost.

Mr. Johnson offered the following :

Resolved, By the Assembly, the Senate concurring, that the Legislature adjourn from this place to meet at the city of Sacramento, on at 12 o'clock, M. ; and demanded the ayes and nays.

Those who voted in favor of Sacramento were—

Messrs. Blake,
Brush,
Caldwell,
Canney,
Estep,
Harrison,

Messrs. Meredith,
Myres,
Reading,
Walker,
Wing—11.

Those who voted against Sacramento were—

Messrs. Bell,
Bostwick,
Cabaniss,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Flower,
Garfield,
Hally,

Messrs. Letcher,
Mandeville,
Martin,
McCandless,
McFarland,
McGarry,
McMeans,
Moore,
Oliver,
Owen,
Pacheco,
Redding,
Robinson,

Messrs. Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Johnson,
Kittredge,
Knight,
Lee,
Leake,

Messrs. Rogers,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Speaker—46.

So the substitute did not pass.

The House then proceeded to take the final vote upon the resolution offered by Mr. Crenshaw, whereupon Mr. Canney demanded the ayes and nays.

Those who voted in favor of Penicia were—

Messrs. Bostwick,
Brush,
Canney,
Carhart,
Conness,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Garfield,
Hunt,
Kittredge,
Knight,
Letcher,

Messrs. Martin,
McCandless,
McFarland,
Moore,
Owen,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Wilson,
Wing,
Speaker—28.

Those who voted in the negative were—

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Covarrubias,
Estep,
Ewing,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,

Messrs. Leake,
Mandeville,
Meredith,
McGarry,
McMeans,
Myres,
Oliver,
Pacheco,
Reading,
Robinsen,
Rogers,
Van Dyke,

Messrs. Irwin,
Johnson,
Lee,

Messrs. Walker,
Wells—29.

So the resolution was lost.

Mr. McMeans moved to take up Assembly bill to set apart funds for contingent purposes.

Agreed to.

On motion of Mr. McMeans, the House resolved itself into committee of the whole, Mr. Wing in the chair, to consider a bill for An Act to set apart five thousand dollars for contingent purposes.

After spending some time in its consideration, on motion of Mr. McMeans the Committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The Committee was discharged.

The bill was then considered as engrossed, read a third time, and passed.

Mr. Robinson offered the following :

Resolved, That the Sergeant-at-Arms be, and he is hereby authorized to contract with the Postmaster at the city of Vallejo for the payment of postage and delivery of postal matter to and from members and officers of the Assembly.

Adopted.

On motion, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY,

WEDNESDAY, January 12, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent :—Messrs. Smith, and those absent on leave.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Meredith presented a petition from the citizens of Columbia, Tuolumne County, praying the Legislature to authorize, by law, the election of an additional Justice of the Peace for that township.

Which was read, and referred to the Judiciary Committee.

Mr. Blake made a report from the Committee on Mileage, which was read, and on motion, recommitted to the committee for alteration.

Mr. Hoff gave notice that, at an early day, he would introduce a bill to amend An Act creating a Board of Supervisors for the counties of this State, and defining their duties and powers;

Also, An Act to Fund the Debt of Tuolumne County, and to provide for the payment of the same.

Mr. Snyder gave notice that he would, at some future day, introduce a bill entitled An Act to amend an Act to re-incorporate the City of San Francisco.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on yesterday,

Assembly Joint Resolution of instructions to our Senators, in reference to Mail Routes in the northern part of this State;

And on the 7th instant, An Act to authorize certain Officers and other persons to administer Oaths;

And on the 10th inst., An Act authorizing the purchase of a Press for the Seal of State.

Which are herewith transmitted.

A. C. BRADFORD,
Secretary of the Senate.

January 12, 1853.

Mr. Canney offered the following:

Resolved, That the Committee on Public Printing be instructed to inquire into the cause of the delay in furnishing the Journals of the last session, and by what authority the Joint Resolution, which was passed at the last session of the Legislature, removing the session to Sacramento, is not printed in the Statutes of 1852.

On motion, the resolution was referred to the Committee on Public Printing.

Mr. Martin gave notice that he would, in a few days, introduce a bill for An Act for the better regulation of Pilots for the Bay and Harbor of Humboldt, and to repeal an Act in relation to Pilots for the same, passed April 5th, 1851;

Also a bill for An Act to prohibit persons from throwing overboard or discharging Ballast in the channels of Humboldt Bay.

Mr. Myres gave notice that, at an early day of the session, he would introduce a bill to amend An Act to exempt the Homestead and other property from forced sale in certain cases;

Also, a bill to amend An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, approved May 4th, 1852.

Mr. Bostwick gave notice that, at an early day during the session, he would introduce a Bill entitled An Act for the better observance of the Sabbath day.

Mr. Owen gave notice that, at an early day, he would introduce a bill in relation to lawful Fences.

Mr. Crenshaw presented a petition from J. S. Pitzer, claiming a seat in the Assembly as Member from Trinity County.

Read and referred to the Committee on Elections.

The certificate of election of Mr. Martin and Mr. Pitzer, was also referred to the Committee on Elections.

Mr. Flower introduced a bill for An Act to repeal an act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27th, 1852.

Read first and second time, and referred to the Judiciary Committee.

Mr. McMeans moved that the Committee on Ways and Means be empowered to appoint a Clerk.

Agreed to.

Mr. McMeans introduced a bill to amend an act entitled An Act for the protection of Foreigners, and to define their liabilities and privileges.

Read first and second time, and referred to the Committee on Mines and Mining Interests.

Mr. Wing introduced a bill for An Act to amend an act entitled an Act to provide for the protection of Foreigners, and define their liabilities and privileges, approved May 4th, 1852.

Read first and second time, and referred to the Committee on Mines and mining Interests.

Senate Joint Resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco, was read first and second time.

Mr. Robinson moved to refer the resolution to the delegation from San Francisco.

Not agreed to.

Upon the final passage of the resolution, Mr. Robinson demanded the ayes and nays.

Those who voted for the final passage of the resolution were—

Messrs. Bell,	Messrs. Martin,
Cabaniss,	Meredith,
Canney,	McCandless,
Carhart,	McFarland,
Cardozo,	McGarry,
Covarrubias,	McMeans,
Ewing,	Moore,
Fairfax,	Myres,
Flower,	Oliver,
Garfield,	Owen,
Hally,	Pacheco,
Harrison,	Reading,
Herbert,	Redding,
Heydenfeldt,	Robinson,
Hoff,	Sime,
Hunt,	Snyder,
Irwin,	Taylor,
Johnson,	Thomas,

Messrs. Kittredge,
Knight,
Lee,
Leake,
Mandeville,

Messrs. Van Dyke,
Walker,
Wells,
Wing—45.

Those who voted against the resolution were—

Messrs. Blake,
Bostwick,
Brush,
Caldwell,
Conness,
Crenshaw,

Messrs. Estep,
Letcher,
Rogers,
Wilson,
Speaker—11.

So the resolution was adopted.

Senate bill No. 11, An Act authorizing the purchase of a Press for the Seal of State, was read first and second time.

On motion of Mr. McMeans, the House resolved itself into committee of the whole, Mr. McMeans in the chair, to consider the above bill. After spending some time in its consideration and amending the same,

On motion of Mr. Canney, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The amendment made in committee of the whole was then concurred in, and the bill read a third time and passed.

Senate bill for An Act to authorize certain officers and other persons to administer Oaths.

Read a first time and ordered to a second reading to-morrow.

Assembly bill for An Act to repeal an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851.

Read a second time and referred to Judiciary Committee.

Mr. McMeans gave notice that he would on to morrow, or at some future day, introduce a bill to amend An Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers.

Mr. Crenshaw offered the following :

Resolved, That Committee on Commerce be instructed to inquire into the causes of the present high price of provisions in this State, and ascertain, if possible, whether it is the effect of monopoly, or from other causes and report as soon as practicable, by bill or otherwise.

Adopted.

Mr. Mandeville, moved to take a recess for one hour.

Not agreed to.

Mr. Canney moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were absent :

Messrs. Carpentier, Covarrubias, Smith, and Yeiser.

On motion, the Sergeant-at-Arms was dispatched after absent members.

On motion, Mr. Covarrubias was admitted within the bar of the House and excused.

On motion, Messrs. Yeiser, and Carpentier were excused.

On motion of Mr. Wing, further proceedings under the call were dispensed with.

On motion, at half-past 12 o'clock, the House took a recess for two hours.

At half-past two o'clock the House met pursuant to adjournment.

Mr. Blake moved to reconsider the vote which refused to remove to Benicia.

Mr. Canney moved a call of the House.

The call was sustained.

The Clerk called the roll, and it appeared that all the members were present, except Mr. Smith.

On motion, further proceedings under the call were dispensed with.

On motion of Mr. Blake, Mr. Smith was excused.

Upon the vote to reconsider, Mr. Mandeville demanded the ayes and nays.

Those who voted to reconsider were—

Messrs. Blake,
Bostwick,
Brush,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Garfield,
Hunt,

Messrs. Kittredge,
Knight,
Letcher,
McFarland,
Moore,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Wilson,
Wing,
Speaker—26.

Those who voted against reconsideration were—

Messrs. Bell,
Cabaniss,
Caldwell,
Estep,
Ewing,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,

Messrs. Martin,
McCandless,
McGarry,
McMeans,
Myres,
Oliver,
Owen,
Pacheco,
Reading,
Robinson,

Messrs. Irwin,

Johnson,

Lee,

Leake,

Mandeville,

Messrs. Rogers,

Van Dyke,

Walker,

Wells,

Yeiser—30.

So the vote was not reconsidered.

Mr. Robinson moved to reconsider the vote, which refused to adjourn to meet at Sacramento.

Upon which, the ayes and nays were demanded.

Those who voted to reconsider were—

Messrs. Brush,

Canney,

Carhart,

Conness,

Cardozo,

Covarrubias,

Estep,

Fairfax,

Garfield,

Harrison,

Johnson,

Messrs. Kittredge,

Knight,

Meredith,

Moore,

Myres,

Reading,

Robinson,

Snyder,

Wilson,

Wing—21.

Those who voted against reconsideration were—

Messrs. Bell,

Blake,

Bostwick,

Cabaniss,

Caldwell,

Crenshaw,

Ewing,

Flower,

Hally,

Herbert,

Heydenfeldt,

Hoff,

Hunt,

Irwin,

Lee,

Leake,

Letcher,

Mandeville,

Messrs. Martin,

McCandless,

McFarland,

McGarry,

McMeans,

Oliver,

Owen,

Pacheco,

Redding,

Rogers,

Sime,

Taylor,

Thomas,

Van Dyke,

Walker,

Wells,

Yeiser,

Speaker—86.

So the vote was not reconsidered.

Mr. Taylor offered a Concurrent Resolution to appoint a committee to

proceed to San Francisco, to ascertain if accommodations could be procured at that place to hold the remainder of this session.

Mr. Heydenfeldt moved to lay the resolution on the table.

Agreed to.

Mr. Hally offered the following :

Resolved, That the whole subject matter about removal, be laid on the table for the balance of the session.

Mr. Hoff moved to lay the resolution on the table.

Agreed to.

Mr. Heydenfeldt gave notice that at the expiration of five days, he would introduce a bill to permanently locate the Seat of Government.

On motion of Mr. Canney, at half past three o'clock, the House adjourned until ten o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, January 13, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Fairfax, Heydenfeldt, McCandless, McGarry, Moore, Redding, Thomas, and Wing.

The Journal of yesterday was read, amended, and adopted.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Fairfax and McCandless for three days.

Mr. Redding asked further leave of absence for Mr. Gardner for one day. Granted.

Mr. Thomas made the following report :

The Committee on Engrossed Bills have examined and found correctly engrossed the following bills—

An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

An Act to set apart five thousand dollars to meet the current contingent expenses of the Assembly;

An Act to repeal the fourteenth section of an Act entitled an Act to fund the indebtedness of the State which has accrued or may accrue from April

29, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds.

Mr. Wilson made the following report :

The Joint Committee on Enrollment have examined and found correctly enrolled—

An Act to fix the times of holding Court in the Eleventh Judicial District ; also,

Joint Resolution of instruction to our Senators in reference to Mail Routes in the northern part of this State.

Mr. Snyder made the following report : (See Appendix No. 2.)

Mr. Canney offered the following :

Resolved, That four thousand additional copies of the Governor's message be ordered printed in English, provided there be no additional charge for composition.

Mr. Crenshaw moved to amend by striking out four thousand and insert two thousand.

Mr. Garfield moved to lay the resolution and the amendment on the table.

Mr. Canney demanded the ayes and nays.

Those who voted to lay upon the table were—

Messrs. Blake,	Messrs. Hally,
Bostwick,	Harrison,
Brush,	Hoff,
Cabaniss,	Knight,
Caldwell,	Reading,
Carhart,	Sime,
Conness,	Snyder,
Cardozo,	Taylor,
Estep,	Walker,
Flower,	Wing,
Garfield,	Yeiser—22.

Those who voted against laying on the table were—

Messrs. Bell,	Messrs. McGarry,
Canney,	McMeans,
Crenshaw,	Moore,
Ewing,	Myres,
Herbert,	Oliver,
Heydenfeldt,	Owen,
Hunt,	Pacheco,
Irwin,	Redding,
Johnson,	Robinson,

Messrs. Kittredge,
 Lee,
 Letcher,
 Mandeville,
 Martin,
 Meredith,
 McFarland,

Messrs. Rogers,
 Thomas,
 Van Dyke,
 Wells,
 Wilson,
 Speaker—31.

So the resolution was not laid upon the table.

The amendment offered by Mr. Crenshaw, to strike out four thousand and insert two thousand, was adopted.

The resolution as amended was then adopted.

Mr. Speaker presented the annual report of the Comptroller of State, which, on motion, was referred to the Committee of Ways and Means, and one thousand copies ordered printed.

Mr. Cabaness offered the following :

Resolved, That one thousand copies of the Governor's message be printed in French.

Mr. Garfield moved to strike out one thousand and insert five thousand copies.

Lost.

Mr. Robinson moved to amend by adding—

Provided, The printing will not cost more than the printing in English.

Agreed to.

The resolution, as amended, was put to vote and lost.

Mr. Canney introduced a bill for an Act to take the sense of the people of the State of California upon the subject of the permanent location of the Seat of Government.

Read first and second time, and referred to Committee on Public Buildings and Grounds.

Mr. Knight introduced a bill for an Act to amend an Act defining the time for commencing civil actions.

Read first and second time, and referred to Judiciary Committee.

Mr. Wing introduced a bill for an Act to repeal an Act entitled an Act to authorize the funding of the debt of the county of El Dorado, and to provide for the payment of the same, approved May 1st, 1852.

Read first and second time, and referred to the delegation from El Dorado county.

Senate bill for an Act to authorize certain officers and other persons to administer oaths,

Was read a second time, and referred to Judiciary Committee.

Mr. Myres introduced a bill to be entitled An Act recommending to the Electors to vote for or against calling a Convention.

Read first and second time, and referred to the Judiciary Committee.

Mr. Heydenfeldt moved that all papers upon the Clerk's table referring to contested elections, be referred to the Committee on Elections.

Agreed to.

Mr. Crenshaw moved to refer the matter contained in the Governor's message, relating to a national highway, &c., be referred to the Committee on Federal Relations, instead of the Committee on Roads and Highways.

Agreed to.

On motion of Mr. Canney, Messrs. Crenshaw, Heydenfeldt, Garfield, Brush and Johnson were added to the Committee on Indian Affairs.

Mr. Wing gave notice that at an early day he would introduce a bill for An Act supplementary to an Act concerning Corporations, approved April 22d, 1850.

On motion of Mr. Heydenfeldt, at 12 o'clock, M., the House took a recess for two hours.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Bell offered the following, which was adopted :

Resolved, That the Speaker be, and he is hereby authorized to assign the unappropriated rooms in that part of the Capitol assigned to the use of this House.

Mr. Irwin moved that two additional members be appointed upon the Committee on Elections.

Mr. Robinson demanded the ayes and nays.

Those who voted in favor of the motion were—

Messrs. Blake,	Messrs. Lee,
Bostwick,	Leake,
Brush,	Mandeville,
Canney,	Meredith,
Carpentier,	McFarland,
Conness,	Moore,
Cardozo,	Myres,
Covarrubias,	Oliver,
Crenshaw,	Rogers,
Garfield,	Wells,
Hoff,	Wilson,
Hunt,	Wing,
Irwin,	Speaker—27
Kittredge,	

Those who voted against the motion were—

Messrs. Bell,
Cabaniss,
Caldwell,
Carhart,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Johnson,
Knight,
Letcher,

Messrs. Martin,
McGarry,
McMeans,
Owen,
Pacheco,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Walker,
Yeiser—28.

So the motion was not adopted.

Mr. Brush asked to be excused from serving as Chairman of the Committee on Elections.

The House refused to excuse him.

Mr. Thomas moved to reconsider the vote which refused to add two additional members to the Committee on Elections.

Mr. Canney demanded the ayes and nays.

Those who voted to reconsider were—

Messrs. Blake,
Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Garfield,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Leake,
Mandeville,

Messrs. Meredith,
McFarland,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Speaker—33.

Those who voted in the negative were—

Messrs. Bell,
Cabaniss,
Caldwell,
Carhart,
Estep,

Messrs. Knight,
Letcher,
Martin,
McGarry,
Pacheco,

Messrs. Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Johnson,

Messrs. Reading,
Robinson,
Sime,
Taylor,
Walker,
Yeiser—23.

So the motion was reconsidered.

The original motion to add two members to the Committee on Elections, was then adopted ; and Messrs. Canney and Blake were appointed.

Mr. Herbert asked to be excused from serving on the Committee on Elections.

He was excused, and Mr. Irwin was appointed in his place.

Mr. Carpentier offered the following, which was adopted :

Resolved, That the Chairman of the Judiciary Committee be authorized to appoint a clerk.

On motion of Mr. Blake, at 4 o'clock the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, January 14, 1853.

The House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Bostwick, Cardozo, Garfield, Irwin and Leake.

The Journal of yesterday was read and approved.

The Speaker then announced the House ready to proceed to business.

Mr. Brush presented a petition from sundry citizens of Tuolumne county, praying for the passage of a law in reference to towns and roads.

Read and referred to Committee on Mines and Mining Interests.

Mr. Garfield, from the Judiciary Committee, read the following majority report :

The undersigned, a majority of the Judiciary Committee, to whom was referred Assembly bill to repeal An Act to amend an Act concerning crimes and punishments, passed April 22d, 1851, ask leave to report the bill without amendment, and recommend its passage.

Mr. Yeiser made the following minority report:

The undersigned, a minority of the committee, to whom was referred An Act to repeal an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 22d, 1851, beg leave to report, that they believe it inexpedient to pass the above entitled bill, and recommend that the same be indefinitely postponed.

Mr. Blake made the following report on mileage. (See Appendix No. 3.)

Mr. Yeiser made a further report:

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to repeal an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27th, 1852, and have instructed me to report the bill back and to recommend its passage; also,

A petition of the citizens of Columbia, Tuolumne county, praying for an additional Justice of the Peace in that township, and recommend that the petition be referred to the Tuolumne Delegation; also,

An Act to authorize certain officers and other persons to administer oaths, and recommend its passage with the following amendment, to wit: Strike out, in section one, the word "new," and strike out section three. Also,

An Act to authorize certain officers to qualify and enter upon their official duties, recommending its passage with the following amendments: Insert, as section two, the following:—"Any person so elected, who has, heretofore, taken the oath and filed his bond of office, shall be deemed to have qualified according to law." Second: Change section two to section three, and change three to section four; and add to the last section the words "and forward certified copies of the same to the County Clerk of each county."

Mr. Wing, Chairman, made the following report:

The El Dorado Delegation, to whom was referred a bill for An Act to repeal an Act to authorize the Funding of the Debt of the county of El Dorado, and to provide for the payment of the same, have the honor to report, that they have had the same under consideration, and report the bill back to the House, recommending its passage.

The bill was then considered as engrossed, read a third time and passed. Assembly bill No. 10: to repeal An Act entitled an Act concerning the

Courts of Justice of this State and Judicial Officers, approved March 27th, 1852, was considered as engrossed, read a third time and passed.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, yesterday, Assembly Joint Resolution to appoint a committee to investigate the circumstances of the passage of the Act authorizing the erection of a State Prison, and appointed Messrs. Coffroth, Snyder, McKibben, Kurtz and Roach on the part of the Senate ;

And concurred in Assembly amendment to Senate bill for An Act authorizing the purchase of a Press for the Seal of State ;

Also passed on same day a bill for " An Act to repeal the Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27th, 1852 ;

Also, Joint Resolution granting leave of absence to Hon. Hugh C. Murray.

A. C. BRADFORD,
Secretary of the Senate.

January 14, 1853.

Senate bill No. 13, An Act to authorize certain officers and other persons to administer oaths, reported back from Judiciary Committee, and the amendments made by the committee adopted by the House.

The bill was then read a third time and passed.

House bill No. 1, A bill for an Act to authorize certain officers to qualify and enter upon their official duties, reported by the Judiciary Committee with sundry amendments.

On motion of Mr. Crenshaw, the bill was recommitted to the committee with special instructions.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, on the 11th inst., a bill for An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature.

In accordance with the recommendation of the Judiciary Committee, a petition from the citizens of Columbia, Tuolumne county, praying for an additional Justice of the Peace in that township, was referred to the delegation from Tuolumne county.

Mr. Canney offered the following :

Resolved, That the Sergeant-at Arms be directed to make an equal distribution of all public documents provided by order of the House among the members of Assembly.

Adopted.

The following communication was received from His Excellency the Governor :

I have the honor herewith to transmit the annual report of the Attorney General of the State of California.

JOHN BIGLER.

The report of the Attorney General, (See Senate Appendix No. 74,) by order, was referred to the Judiciary Committee.

Senate bill No. 12, Bill for an Act in relation to the supplying of fuel, and other contingent expenses of the Legislature.

Read first time, and ordered to second reading on to-morrow.

Senate Joint Resolution, granting leave of absence to Hon. Hugh C. Murray.

Read first time, and ordered to second reading on to-morrow.

Senate bill No. 16, a bill for an Act to repeal the Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, approved March 27, 1852.

Read first time, and ordered to a second reading to-morrow.

Mr. Letcher introduced a bill for an Act to provide for the removal in certain cases of criminal prosecutions from the Courts of Sessions to the District Courts.

Read first and second time, and referred to Judiciary Committee.

Mr. Wells gave notice that he would, at an early day, introduce a bill for an Act to amend the thirty-eighth section of an Act entitled an Act to provide for levying, assessing, and collecting public revenue, approved April 23, 1852.

Assembly bill for an Act to repeal an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 22, 1851.

Reported back from Judiciary Committee, and made the special order for Tuesday next at 12 o'clock.

Mr. Wing introduced a bill for an Act to amend the third section of an Act entitled an Act to regulate fees in office, passed May 1, 1851.

Read first and second time, and referred to Judiciary Committee.

On motion of Mr. Brush, one hundred and fifty copies of a bill for an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April 22, 1850, were ordered to be printed.

On motion of Mr. Wing, at half past 12 o'clock, the House took a recess until half past 2 o'clock.

At half past 2 o'clock the House met pursuant to adjournment.

Mr. McCandless moved to adjourn until Monday next at 12 o'clock.

Agreed to.

HOUSE OF ASSEMBLY.

MONDAY, January 17, 1853.

House met pursuant to adjournment, and,

On motion, Mr. Crabb was called to the chair.

There being no quorum present, on motion of Mr. Blake, the House adjourned until ten o'clock to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, January 18, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent :—Messrs. Carhart, Covarrubias, Ewing, Fairfax, Garfield, Johnson, Knight, Leake, McCandless, McMeans, Moore, Smith, Taylor and Yeiser.

The Journals of Friday and Monday were read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted for one day to the absentees.

Mr. Tighlman, member elect from the County of San Diego, appeared, was qualified, and took his seat.

Mr. Flower presented a petition from Smith Brothers & Co., of San Francisco, for a re-issue of lost Bonds.

Read, and referred to the Committee on Claims.

Mr. Sime presented a petition from sundry citizens of San Francisco, protesting against a repeal of the Act in relation to Capital Punishment.

Read, and laid upon the table.

Mr. Carpentier, from the Judiciary Committee, made a report on Assembly bill for An Act to authorize certain Officers to qualify and enter upon their official duties, proposing sundry amendments.

Which, upon motion, was recommitted to the committee, with instructions.

Mr. Brush gave notice that, on to-morrow or some future day, he would

introduce a bill to amend section four of An Act to provide for the Inspection of Flour.

Mr. Wilson, from the Joint Committee on Enrollment, made the following report:

The Joint Committee on Enrollment report that, they have examined and found correctly enrolled, a Joint Resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco County;

Also, An Act authorizing the purchase of a Press for the Seal of State.

Mr. Garfield gave notice that he would, on to-morrow, introduce a bill for An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund.

Mr. Snyder offered the following, which was adopted:

Resolved, That the Committee on Ways and Means be instructed to report to-morrow morning, the per diem allowance of the Clerks, Sergeant-at-Arms, and other officers and employees of this House.

Mr. Hally introduced a bill for An Act for the protection of persons who may settle upon private lands in this State.

Read first and second time and referred to Judiciary Committee, and 150 copies ordered to be printed.

Mr. Myres introduced a bill for An Act to revise the Act to provide for the protection of Foreigners, and to define their liabilities and privileges, approved May 4th, 1852.

Read first and second time, and referred to Committee on Mines and Mining Interests, and 150 copies ordered to be printed.

Mr. Owen introduced a bill for An Act to attach Signor or Mare Island to Solano County.

Read first and second time, and referred to Committee on Counties and County Boundaries.

Mr. Owen introduced the following bill, for An Act to amend an act entitled an Act to authorize Wm. Moody and Morgan Hart to build a Wharf in the County of Solano.

Read first time, and ordered to a second reading on to-morrow.

Mr. Letcher introduced a bill, An Act to authorize the Probate Courts of this State to lease for a term of years, the unimproved lands belonging to the estates of deceased persons and minors.

Read first and second time, and referred to the Judiciary Committee.

The following message was received from the Secretary of State:

The Secretary of State has the honor herewith to transmit the papers in the two contested seats in the House of Assembly. Said papers were received at this office on Saturday, the 15th inst.

On motion, the papers were referred to the Committee on Elections.

The following message was received from the Governor:

In compliance with the requirements of law, I herewith transmit a report of the vacancies filled by me since the last session of the Legislature. Also, the following offices to be filled by the Legislature at its present session :

First. Resident and Visiting Physicians, and Trustees for the several State Hospitals.

Second. A Quartermaster General of the State.

JOHN BIGLER.

Vacancies filled by the Executive since the last adjournment of the Legislature :

A. C. Monson, Judge 6th District, *vice* Lewis Aldrich, resigned.

Robert B. Sherrard, Judge of Sutter county, *vice* T. B. Ravidees, resigned.

O. C. Emory, Judge of San Joaquin county, *vice* W. A. Root, deceased.

E. W. Roberts, Judge of Nevada county, *vice* ——— Caswell, absent.

O. M. Brown, Judge San Luis Obispo, *vice* W. J. Graves, resigned.

A. C. Palmer, F. D. Kohler, J. McDougal, H. H. Byrne and Alexander Campbell, Trustees of State Marine Hospital at San Francisco.

William C. Kibbee, Quartermaster-General, the Legislature having failed to elect.

Mr. Pacheco presented a certificate of election for Mr. Hughes, of Santa Barbara.

Which was read and referred to Committee on Elections.

Senate bill No. 12, for An Act in relation to the supplies of Fuel, and other contingent expenses of the Legislature, on its third reading

On motion of Mr. Heydenfeldt, the House resolved itself into committee of the whole, Mr. Owen in the chair, to consider the above bill, after spending some time in its consideration,

On motion of Mr. Robinson, the Committee rose, reported the bill back without amendment, and asked to be discharged.

The Committee was discharged.

The bill was then read a third time and passed.

Special order of the day—

A bill for An Act to repeal an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851 ; on its third reading.

On motion of Mr. Heydenfeldt, was laid upon the table.

Senate bill for An Act to repeal the Act entitled an Act concerning Courts of Justice of this State, and Judicial Officers, approved March 27, 1852.

Read a second time, ordered to a third reading on to-morrow.

Senate Joint Resolution, granting leave of absence to Hon. Hugh C. Murray ; on its third reading.

Mr. Brush moved its indefinite postponement, upon which Mr. Conness demanded the ayes and nays.

Those who voted to postpone were—

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Cardozo,
Crenshaw,
Estep,
Garfield,
Harrison,
Hoff,
Irwin,
Kittredge,

Messrs. Letcher,
Mandeville,
Martin,
Meredith,
McGarry,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing—32.

Those who voted against postponement were—

Messrs. Flower,	Messrs. Lee,
Gardner,	Myres,
Hally,	Pacheco,
Herbert,	Reading,
Heydenfeldt,	Snyder,
Hunt,	Tighlman,
Johnson,	Walker,
Knight,	Speaker—16.

So the motion to indefinitely postpone was adopted.

Mr. Canny gave notice that he would move a reconsideration of the vote just taken on to-morrow.

Mr. Wing moved to take a recess until half past two.

Not agreed to.

On motion of Mr. Brush, at one o'clock, the House adjourned until ten o'clock to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, Jan. 19, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:

Messrs. Ewing, Fairfax, Gardner, Kittridge, Knight, Moore, and Smith.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence for one day was granted to Messrs. Ewing, Hunt, Smith, and Knight, and for three days, to Mr. Kittridge.

Mr Thomas made the following report:

The Committee on Engrossment, beg leave to report that they have examined and found correctly engrossed, the following bills:

An Act concerning the Courts of Justice of this State, and Judicial Officers, approved March 27, 1852.

A bill for An Act entitled an Act to authorize the funding of the Debt of the county of El Dorado, and to provide for the payment of the same, approved May 1st, 1852.

Mr. McMeans asked and obtained leave for further time to report upon the pay of clerks, &c., until to-morrow.

Mr. Heydenfeldt introduced a bill for An Act to authorize the redemption of Real Estate sold for the non payment of Taxes.

Read first and second time, and referred to Judiciary Committee.

Mr. Brush made the following report:

(Contested Election Case of Martin vs. Pitzer. See Appendix No. 4.)

Mr. Irwin made the following minority report: (See Appendix, No. 5.)

Mr. Canney moved the adoption of the majority report, and also moved a call of the House.

The call was sustained.

The Clerk called the roll, and it appeared that all the members were present.

Mr Canney moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Canney then demanded the ayes and nays upon the adoption of the majority report.

Those who voted in favor of the report were—

Messrs. Bell,
Blake,
Bostwick,
Brush,

Messrs. McCandless,
McFarland,
McMeans,
Moore,

Messrs. Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Gardner,
Garfield,
Herbert,
Hoff,
Lee,
Leake,
Mandeville,
Meredith,

Messrs. Myres,
Oliver,
Owen,
Pacheco,
Redding,
Rogers,
Snyder,
Thomas,
Tighlman,
Walker,
Wells,
Wilson,
Wing,
Yeiser—37.

Those who voted against the report were—

Messrs. Cabaniss,
Caldwell,
Carhart,
Estep,
Flower,
Hally,
Harrison,
Heydenfeldt,
Irwin,

Messrs. Johnson,
Letcher,
McGarry,
Reading,
Robinson,
Sime,
Taylor,
Van Dyke,
Speaker—18.

So the report was adopted.

Mr. Oliver moved the adoption of the resolution declaring the seat of Mr. Martin vacant.

Upon which, Mr. Heydenfeldt demanded the ayes and nays.

Those voting for the resolution were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Gardner,
Garfield,
Herbert,

Messrs. Meredith,
McCandless,
McFarland,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Redding,
Rogers,
Snyder,
Thomas,
Tighlman,

Messrs. Hoff,
Lee,
Leake,
Mandeville,

Messrs. Walker,
Wells,
Wing,
Yeiser—36.

Those who voted against the resolution were—

Messrs. Cabaniss,
Caldwell,
Carhart,
Estep,
Flower,
Hally,
Harrison,
Heydenfeldt,
Irwin,

Messrs. Johnson,
Letcher,
McGarry,
Reading,
Robinson,
Sime,
Taylor,
Van Dyke,
Speaker—18.

So the resolution was adopted.

On motion, Mr. Pittser, member elect from the county of Trinity, came forward was qualified and took his seat.

Mr. McMeans introduced a bill for An Act explanatory of the duties of Sheriffs under the 37th section of the Act to provide for levying, assessing, and collecting Public Revenue, passed April 23, 1852.

Read first and second time, and referred to Judiciary Committee.

Mr. Garfield introduced a bill for An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund.

Read first and second time, and referred to Committee of Ways and Means.

Mr. Heydenfeldt presented to the Legislature in the name of Mr. Gibbs a map of the State of California, and also, a map of the San Joaquin Valley.

On motion of Mr. Van Dyke, the maps were accepted, and the thanks of the Legislature tendered to Mr. Gibbs.

Mr. McMeans introduced a bill for An Act entitled an Act to repeal an Act entitled an Act in relation to actions wherein the State is a party, approved May 3d, 1852.

Read first and second time, and referred to Judiciary Committee.

Mr. Canney, in accordance with notice given, moved a reconsideration of the vote which indefinitely postponed a resolution granting leave of absence to Judge Hugh C. Murray.

Mr. Bell moved a call of the House.

The call was sustained.

The Clerk called the roll, and Mr. Blake was found to be absent.

Mr. Canney moved to dispense with further proceedings under the call.

The vote was then taken upon reconsideration, by ayes and nays.

Those who voted for reconsideration were—

Messrs. Bell,
 Canney,
 Carhart,
 Carpentier,
 Cardozo,
 Covarrubias,
 Estep,
 Fairfax,
 Flower,
 Gardner,
 Hally,
 Harrison,
 Herbert,
 Heydenfeldt,
 Johnson,
 Lee,
 Leake,
 Meredith,
 McCandless,

Messrs. McGarry,
 McMeans,
 Moore,
 Myres,
 Owen,
 Pacheco,
 Pittser,
 Reading,
 Sime,
 Snyder,
 Taylor,
 Thomas,
 Tighlman,
 Walker,
 Wells,
 Wilson,
 Wing,
 Yeiser,
 Speaker—38.

Those voting against reconsideration were—

Messrs. Bostwick,
 Brush,
 Cabaniss,
 Caldwell,
 Conness,
 Crenshaw,
 Garfield,
 Hoff,
 Irwin,

Messrs. Letcher,
 Mandeville,
 McFarland,
 Oliver,
 Redding,
 Robinson,
 Rogers,
 Van Dyke—17.

So the vote was reconsidered.

Mr. Brush withdrew the motion to indefinitely postpone.

Mr. Carpentier moved to refer the resolution to the Judiciary Committee, with special instructions, that leave of absence should not commence before the 14th day of February.

Not agreed to.

The final vote upon the Senate's resolution granting leave of absence to Judge Murray, was then taken by ayes and nays.

Those who voted for the resolution were—

Messrs. Bell,
 Canney,
 Carhart,
 Cardozo,
 Covarrubias,
 Estep,

Messrs. McCandless,
 McGarry,
 McMeans,
 Moore,
 Myres,
 Owen,

Messrs. Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Johnson,
Lee,
Leake,
Meredith,

Messrs. Pacheco,
Pittser,
Reading,
Sime,
Snyder,
Taylor,
Tighlman,
Walker,
Wells,
Wilson,
Yeiser—34.

Those voting against the resolution were—

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Crenshaw,
Garfield,
Hoff,
Irwin,
Letcher,

Messrs. Mandeville,
McFarland,
Oliver,
Redding,
Robinson,
Rogers,
Thomas,
Van Dyke,
Wing,
Speaker—21.

So the resolution passed.

Mr. Pacheco moved to take a recess until 2 o'clock P. M.

Not agreed to.

Mr. McMeans offered the following, which was referred to Judiciary Committee.

Resolved, In the opinion of the Assembly, that it is not necessary for the Clerk of the House to spread at large upon the Journals, the annual reports of the State Officers and that the Secretary of State be instructed to preserve one hundred copies of each of said reports for the use of the State.

Mr. Wilson, Chairman, made the following report :

The Joint Committee on Enrollment, report that they have this day, presented to the Governor for his approval,

Joint Resolution granting four months' leave of absence to J. C. Hays, Sheriff of San Francisco.

Also, An Act authorizing the purchase of a press for the Seal of State.

The following message was received from the Governor :

I have the Honor herewith, to transmit the Annual Report of the State Librarian. (See Appendix No. 6.)

JOHN BIGLER.

Report by order, was referred to Committee on Education.

On motion, leave of absence was granted to Mr. Kittridge for one week, and to Mr. Tighlman for two days.

Mr. Gardner gave notice that, at an early day, he would introduce a bill require the Comptroller to draw his warrant in favor of Beverly C. Saunders.

Mr. Canney offered the following, which was adopted :

Resolved, That the Committee on Elections be instructed to examine and report without delay, in the case of Martin and Pittser.

Mr. Heydenfeldt gave notice that on to-morrow he would move to amend the Standing Rules of this House, so as to create a Committee on the State Library.

The following message was received from the Senate.

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed on 12th inst., a substitute for Assembly Resolution to appoint a Joint Committee to confer with M. G. Vallejo, in reference to the location of the capital, &c.

And amended, yesterday, Assembly amendment No. 1, to Senate bill for An Act to authorize certain officers and other persons to administer oaths.

And concurred in Assembly amendment No. 2, to same bill.

A. C. BRADFORD, Secretary Senate.

19th January, 1853.

On motion of Mr. Brush, at 1 o'clock the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, January 20, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Covarrubias, Herbert, McCandless, McGarry and Moore.

The Journal of yesterday was read and approved.

On motion, Messrs. Herbert and Covarrubias were granted leave of absence for one day, and Mr. McCandless for two days.

The Speaker announced the House ready to proceed to business.

Mr. Blake presented a petition from the Mayor and Council of the city of San Francisco, praying the passage of a law to exempt Firemen from Jury duty.

Mr. Flower presented a petition from the bench and members of the bar of San Francisco, praying the passage of a law to exempt Firemen from Jury duty.

Mr. Cardozo presented a petition, numerously signed by citizens of San Francisco, praying the passage of a law exempting Firemen from Jury duty.

Which petitions were severally read and referred to Judiciary Committee.

Mr. Yeiser gave notice that, on to-morrow, or some early day thereafter, he would introduce a bill directing the Comptroller of State to audit the drafts of the Treasurer of the Stockton State Hospital.

Mr. McMeans made the following report relative to per diem of Clerks. (See Appendix, No. 7.)

On motion, the report of the committee with the per diem allowance to the Clerks and other attachees was laid upon the table.

Mr. Crenshaw gave notice that, on to-morrow, or on some convenient day thereafter, he would introduce a bill requiring the Governor of this State to demand of M. G. Vallejo the performance of his contract, as entered into with this State on the 4th day of February, 1851, as soon as the said bond becomes due.

Mr. Owen offered the following, which was adopted:

Resolved, by the Assembly, the Senate concurring herein, That a Joint Select Committee of three on the part of the Assembly, and two on the part of the Senate, be appointed to draft a memorial to Congress for the establishment of mail routes that are wanting in different parts of this State.

Messrs. Owen, Garfield, and Myres were appointed committee on the part of the House.

A communication was received from the Secretary of State, transmitting partial returns of the census.

The communication was read, and, by order of the House, it was referred to a special committee of nine, with instructions to report a bill affixing the apportionment of Senators and Representatives.

Messrs. Redding, Canney, Hoff, Flower, Herbert, Tighlman, Smith, McFarland and Wing were appointed said committee.

Mr. Yeiser made the following report:

Mr. Speaker:

The Judiciary Committee to whom was referred "A resolution in relation to the Journals of this House," have had the same under consideration, and instruct me to report it back, with a recommendation that the resolution be indefinitely postponed.

FRED. YEISER,
Chairman.

On motion, the resolution was indefinitely postponed.
Mr. Carpentier made the following report :

The Judiciary Committee, to whom was recommitted an Act to authorize certain officers to qualify and enter upon their official duties with special instructions, have instructed me to report the bill back in conformity with said instructions.

Bill recommitted with special instructions to exclude Contra Costa from the operations of the bill, and to strike Trinity from among the counties emptied.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Governor approved, yesterday, An Act authorizing the purchase of a Press for the Seal of State.

And that the Senate passed, on the 18th instant, An Act relating to the Pilots of San Diego.

And rejected, yesterday, Assembly bill for An Act to repeal the fourteenth section of an Act entitled an Act to Fund the Indebtedness of the State, which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, and to provide for the payment of the three per cent. Bonds.

A. C. BRADFORD,
Secretary Senate.

January 20, 1853.

Mr. Johnson made the following report :

The Judiciary Committee, to whom was referred An Act to authorize the redemption of real estate sold for the non-payment of taxes ; also,

An Act explanatory of the duties of Sheriffs under the thirty-seventh section of the Act to provide for levying, assessing and collecting Public Revenue, passed April 23d, 1852, beg leave to report the accompanying bill, as a substitute for the bills before referred to, and recommend its passage.

JOHNSON,
On behalf of Committee.

The substitute submitted by the committee was then taken up for consideration.

On motion of Mr. Heydenfeldt, the House resolved itself into committee of the whole, Mr. Heydenfeldt in the chair, to consider the above substitute.

After spending some time in its consideration and making sundry amendments thereto,

On motion of Mr. Thomas, the committee rose, reported the bill as amended, and asked to be discharged from its further consideration.

The committee was discharged.

On motion of Mr. Heydenfeldt, the amendments made in committee of the whole were adopted by the House.

The bill was then considered as engrossed, read a third time, and passed. The following message was received from the Governor :

In compliance with law, I herewith transmit a list of pardons granted by me since January, 1852.

JOHN BIGLER.

(See Appendix No. 8.)

Senate bill for An Act to repeal the Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, approved March 27th, 1852, on its third reading.

On motion, laid upon the table.

Senate substitute for Assembly resolution to appoint a committee to confer with M. G. Vallejo, in reference to the location of the capital, on motion, was laid upon the table.

A bill, an Act to amend an Act entitled an Act to authorize Wm. Moody and Morgan Hart to build a wharf in the county of Solano.

Read second time, and referred to Committee on Commerce and Navigation.

Mr. Cardozo introduced a bill for an Act to exempt Firemen from serving on militia or jury duty.

Read first and second time, and referred to Judiciary Committee.

Mr. Redding introduced a bill to be entitled an Act requiring the Comptroller to draw his warrant in favor of Beverly C. Saunders.

Read first and second time, and referred to Committee on Claims.

Senate bill, an Act to authorize certain officers and other persons to administer oaths, amended in the Assembly, and the Assembly amendment amended in the Senate.

The House concurred in the amendment of the Senate.

Mr. Myres introduced a bill for an Act to amend an Act to exempt the Homestead and other property from forced sales in certain cases.

Read first and second time, and referred to Judiciary Committee.

Mr. Owen introduced a bill for an Act to amend an Act entitled an Act for the permanent location of the Seat of Government, passed February 4, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Crenshaw introduced a bill for an Act to provide for the payment of Z. L. Eastham, for work done on the State House.

Read first and second time, and referred to Committee on Claims.

Mr. Bostwick introduced a bill entitled an Act to amend the fourth section of an Act entitled an Act concerning Divorces.

Read first and second time, and referred to Judiciary Committee.

Mr. Heydenfeldt introduced a bill for an Act to repeal an Act entitled an Act concerning Divorces.

Read first and second time, and referred to Judiciary Committee.

Mr. Carpentier introduced a bill for an Act concerning school moneys.

Read first time, and ordered to a second reading on to-morrow.

On motion of Mr. Cardozo, the report of the Surveyor General was taken from the table, and one thousand copies ordered to be printed.

According to previous notice, Mr. Heydenfeldt moved to amend the standing rules, so as to have a standing committee upon Public Library.

Agreed to.

On motion of Mr. Heydenfeldt, the Clerk was instructed to report the bill, an Act explanatory of the duties of Sheriffs, and rights of Redemptioners under the 37th section of the Act to provide for the levying, assessing, and collecting public revenue, passed April 23, 1852, and sent forthwith to the Senate.

Mr. Heydenfeldt moved to take a recess until 3 o'clock.

Mr. Gardner moved to adjourn until 10 to-morrow.

Agreed to.

HOUSE OF ASSEMBLY.

FRIDAY, January 21, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Bell, Bostwick, Carhart, Carpentier, Fairfax, Gardner, Meredith, Moore and Robinson.

The Journal of yesterday was read and approved.

The speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Bell and Moore for one day.

The Speaker announced the following members to compose the standing committee on Public Library: Messrs. Fairfax, Leake and Bostwick.

Mr. Canney asked to be excused from serving on the special committee of nine.

He was excused, and Mr. Johnson was appointed in his place.

The speaker laid before the House a report of the agents of Emigrant Relief Expedition.

Which was read and referred to Committee on Public Expenditures, and three thousand copies ordered to be printed. (See Senate Appendix No. 8.)

The Speaker also laid before the House the report of the Superintendent of Public Buildings,

Which was read and referred to Committee on Public Buildings. (See Appendix No. 9.)

Mr. Brush, Chairman, made the following report: (See Appendix No. 10.)

The following resolution, reported by Committee on Elections, was adopted :

Resolved, That W. C. Martin is entitled to a seat in this Assembly, as a representative from Trinity county, in place of J. S. Pittser.

Mr. Brush, offered the following, which was adopted.

Resolved, That J. S. Pittser be allowed mileage and per diem of a member, from the commencement of the present session to this day.

Mr. Martin, member elect from Trinity county, then came forward, was qualified, and took his seat.

Mr. Ewing, Chairman, made the following report :

The Committee on Counties and County Boundaries, to whom was referred a bill for An Act to attach Signor or Mare Island to Solano county, have had the same under consideration, and have instructed me to report the bill back without amendment, and recommend its passage.

The bill was then considered as engrossed, read a third time, and passed.

The Speaker laid before the House a communication from the Board of Education in reference to the amount of school fund and its distribution.

Which was read, and, on motion, referred to Committee on Education.

Mr. Crenshaw made the following report, relative to petition of Smith, Brothers & Co. (See Appendix No. 11.)

On motion, the report was adopted.

Mr. McMeans made the following report :

The Committee on Ways and Means, to whom was referred a bill to be entitled An Act to provide for the redemption of Comptroller's Warrants, drawn payable out of the General Fund, have had the same under consideration, and beg leave to report it back with amendments, and respectfully recommend its passage.

S. A. McMEANS,
Chairman.

The amendments by the Committee were adopted by the House.

The bill considered as engrossed, read a third time and passed.

Assembly bill, An Act requiring the Comptroller to audit certain bills of the members of the present Legislature, was amended in the Senate, and the amendments concurred in by the House.

Senate bill No. 22, An Act to amend the 37th section of the Act to provide for levying, assessing and collecting Public Revenue ; read first and second time.

On motion, the rule was further suspended, and the bill read a third time, and on its final passage, was defeated

Senate bill No. 9, for An Act relating to San Diego Pilots ; read second time, and ordered to a third reading on to morrow.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed yesterday, Assembly bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature, with amendments ;

And An Act to amend the 37th section of the Act to provide for levying, assessing and collecting Public Revenue.

A. C. BRADFORD,

Secretary Senate.

Jan. 21, 1853.

Senate bill for An Act to repeal the Act concerning Courts of Justice of this State, and Judicial Officers, approved March 27, 1853.

Read a third time and passed.

Assembly bill for An Act concerning School Monies, on its third reading, on motion of Mr. Carpentier, was indefinitely postponed.

Mr. Fairfax introduced a Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations.

Read first and second time, and referred to Committee on Education.

Mr. Flower offered the following, which was adopted :

Resolved, That the Attorney-General of the State be requested to lay before this House his opinion in writing, as to the power of the Legislature, under the first section of article eleventh of the Constitution, to remove the permanent Seat of Government from Vallejo to some other point, and if such a power exists, whether it requires a vote of two-thirds of all the members elected, or simply a majority, to effect the passage of such a law.

Mr. Ewing offered the following :

Resolved, That the use of this hall be tendered to any Minister of the Gospel for the performance of divine worship, each Sabbath during the present session of the Legislature.

Adopted.

Mr. Wing offered the following, which was adopted :

Resolved, That the Clerk of the Assembly be empowered to employ such number of Clerks as may be necessary, from time to time, to copy and record for the use of the House : *Provided*, the number shall not exceed four : *And further provided*, that they only receive pay for the time actually employed, which shall be certified to by the Clerk of the House.

On motion, leave of absence was granted to Mr. Robinson, for the balance of this week.

On motion of Mr. Heydenfeldt, the House took a recess until half-past two.

House met pursuant to adjournment.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Assembly passed, yesterday, Joint Resolution in relation to the Public Lands, and appointed as a committee on the part of the Senate, as required by the resolution, Messrs. Ralston, Sprague and Estill.

And passed this day, a bill for An Act to legalize certain Records of Deeds in the County of Sacramento.

And concurred in Assembly Resolution to appoint a joint select committee, to draft a memorial to Congress for the establishment of Mail Routes in different parts of this State ; and have appointed Messrs. Wombough and Baird, on the part of the Senate.

And passed with amendments, Assembly bill, An Act explanatory of the duties of Sheriffs and Rights of Redemptioners, under the thirty-seventh section of the Act to provide for levying, assessing and collecting, public revenue, passed April 23d, 1852.

And passed this day, a bill for An Act to amend an Act concerning Crimes and Punishments, passed April 16th, 1850.

A. C. BRADFORD,
Secretary of the Senate.

21st of January, 1853.

Assembly bill, An Act explanatory of the duties of Sheriffs and Rights of Redemptioners, under the thirty-seventh section of the Act to provide for the levying, assessing and collecting public revenue, passed April 23, 1852, amended in the Senate. The Senate's amendment concurred in by the House.

On motion, the Clerk was instructed to notify the Senate of the concurrence of the Assembly to Senate amendment to the above bill.

Mr. Cabaniss offered the following, which was adopted :

Resolved, That the resolution granting to Ministers of the Gospel the use of this hall, be construed as allowing them to preach in said hall but once a day.

On motion of Mr. Thomas, the House took up for consideration, a resolution fixing the pay of the Clerks and other attaches of the Assembly.

On motion of Mr. Canney, the House resolved itself into committee of the whole, Mr. Heydenfeldt in the chair, to consider the above resolution. After spending some time in its consideration, and making sundry amendments thereto,

On motion of Mr. McMeans, the committee rose, reported the resolution as amended, and asked to be discharged.

The committee was discharged.

The amendments made in the committee of the whole, were adopted by the House.

The following is the pay fixed for the Clerks and other attaches of the Assembly :

For the Chief Clerk,	-	-	\$18 00	per day.
" Assistant Clerk,	-	-	16 00	"
" Enrolling Clerk,	-	-	14 00	"
" Engrossing Clerk,	-	-	14 00	"
" Sergeant-at-Arms,	-	-	16 00	"
" Door-Keeper,	-	-	14 00	"
" Committee, and other Clerks,	-	-	14 00	"
" Pages, each,	-	-	8 00	"
" Chief Porter,	-	-	14 00	"
" Other Porters, each,	-	-	10 00	"

On motion of Mr. Irwin, at 4 o'clock, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, January 22, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent :—Messrs. Carpentier, Covarrubias, Fairfax, Harrison, Lee, Martin, Meredith, McGarry, Owen, Reading, Redding, Taylor, Wilson, Wing and Yeiser.

The Journal of yesterday was read, amended and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Covarrubias, Martin, Moore, Meredith, McGarry, Carpentier, Harrison, Reading, Redding, Taylor, Wing and Yeiser, for one day ; to Mr. Owen, for two days ; and to Mr. Johnson, until next Thursday.

Mr. Van Dyke moved to strike from the Journal the proceedings had on yesterday in reference to a bill which had passed both Houses.

Agreed to.

Mr. McMeans moved to reconsider the vote of yesterday, which concurred in the amendments made by the Senate to Assembly bill, explanatory of the duties of Sheriffs and redemptioners under tax sales.

The vote was reconsidered ; and,

On motion, the the House refused to concur in Senate amendments.

On motion of Mr. Heydenfeldt, a committee of conference was asked, and Messrs. Heydenfeldt and McMeans appointed on the part of the Assembly.

Mr. Canney presented a petition from members of the Assembly, asking the appointment of Virgil C. Bartlett, as one of the Pages of this House, and offered the following, which was adopted :

Resolved, That Virgil C. Bartlett is hereby appointed Assistant Page of the Assembly, and that his appointment shall date back to the 4th day of January, 1853.

Mr. Wilson made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled Joint Resolution granting leave of absence to Hon. Hugh C. Murray.

The Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Mr. Letcher offered the following :

Resolved, That no contestant for a seat in this House shall be allowed any pay, either for mileage or per diem, unless his claim is founded on some reasonable grounds.

Which, on motion, was laid upon the table.

Senate Joint Resolution in relation the Public Lands.

Read first time and laid upon the table.

Senate bill for An Act relating to San Diego Pilots.

Read a third time and passed.

Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento.

Read first time and ordered to a second reading on to-morrow.

Senate bill, An Act to amend an Act concerning Crimes and Punishments, passed April 16th, 1850.

Read first time and ordered to a second reading on to-morrow.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate have appointed on their part, Messrs. Hager and Crabb, as a committee of conference on the disagreeing vote of the two Houses on Assembly bill for an Act explanatory of the duties of Sheriffs and rights of Redemptioners, under the 37th section of the Act to provide for levying, assessing, and collecting public revenue, passed April 23, 1852.

And passed yesterday a Concurrent Resolution, herewith presented.

And an Act to provide for the redemption of lands sold for taxes.

A. C. BRADFORD,
Secretary Senate.

January 22, 1853.

Senate bill, an Act to provide for the redemption of lands sold for Taxes.
Read first time, and ordered to a second reading on to-morrow.

Senate concurrent resolution to authorize the members of the Senate and Assembly to appear before the Joint Committee investigating the State Prison bill,

Was, on motion, indefinitely postponed by ayes and nays, as follows—

AYES.

Messrs. Blake,	Hally,
Bostwick,	Hoff,
Cabaniss,	Knight,
Caldwell,	Leake,
Carhart,	Mandeville,
Conness,	Myres,
Crenshaw,	Oliver,
Estep,	Sime,
Ewing,	Snyder,
Flower,	Smith,
Gardner,	Thomas,
Garfield,	Van Dyke—24.

NAYS.

Messrs. Brush,	Messrs. McFarland,
Canney,	Pacheco,
Cardozo,	Rogers,
Herbert,	Wells,
Irwin,	Wilson,
Letcher,	Speaker—12.

Mr. Wells introduced a bill for An Act to amend an Act entitled an Act to provide for the disposition of the five hundred thousand acres of land granted to this State by Act of Congress, April, 1841.

Read first and second time, and referred to Committee on Public Lands.

Mr. Thomas made the following report:

The Committee on Engrossment have examined and found correctly engrossed the following bills:

A bill for an Act to attach Signor or Mare Island to Solano, county and an Act to provide for the redemption of comptroller's warrants, payable out of the general fund.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day concurred in the report of the Committee of Conference on the disagreeing vote of the two Houses in Assembly bill for

"An Act explanatory of the duties of sheriffs and rights of redemptioners

under an 'Act to provide for levying, assessing and collecting public revenue, approved, April 23, 1852.'

A. C. BRADFORD,

Secretary Senate.

January 22d, 1853.

Mr. Flower offered the following, which was adopted :

Resolved, That the Governor be requested to lay before this House the last annual report of the State Treasurer.

On motion of Mr. Cardozo, the Clerk was instructed to notify the Senate forthwith, that the House refused to concur in Senate's Concurrent Resolution, admitting members to go before the joint committee in reference to State Prison bill.

Mr. Heydenfeldt, from the committee of conference, made the following report.

The committee of conference, to whom was referred Assembly bill entitled an Act explanatory of the duties of Sheriffs' and rights of Redemptioners under the thirty-seventh section of the Act to provide for the levying, assessing and collecting Public Revenue, passed April 23, 1852, have had the same under consideration, and beg leave to make the following report :

Amend by inserting the enacting clause. Third section, amend by inserting the words, "and deed" after the word certificate. Strike out "fourth and fifth and seventh sections." Strike out all after the word "thereon" in sixth section ; make the number of sections correspond.

All of which is respectfully submitted.

HEYDENFELDT, Chairman.

HAGER, Chairman Senate.

The report of the committee was adopted, and the amendments concurred in.

Mr. Flower moved to reconsider the vote which adopted a resolution requesting the Governor to furnish the last annual report of the State Treasurer to this House.

The vote was reconsidered.

The resolution was then, on motion, laid upon the table.

Mr. Wilson made the following report :

The Joint Committee on Enrolled Bills, have examined and found correctly enrolled, An Act explanatory of the duties of Sheriffs and rights of Redemptioners under the thirty-seventh section of the Act to provide for the levying, assessing and collecting Revenue, passed April 23, 1852.

J. M. WILSON,

Assembly Committee.

PHILIP A. ROACH,

Senate.

January 22, 1853.

Mr. Blake offered the following :

Resolved, That the Speaker of the Assembly is hereby requested to offer to Miss Catharine Hayes the free use of this Hall on any evening she may desire it.

Mr. Gardner moved to lay the resolution on the table.

Agreed to.

The following message was received from the Governor :

I have this day approved an Act entitled an Act explanatory of the duties of Sheriffs, and rights of Redemptioners under the thirty-seventh section of the Act to provide for the levying, assessing and collecting of Public Revenue, passed April 23, 1852.

JOHN BIGLER.

On motion of Mr. Heydenfeldt, the clerk was instructed to notify the Senate, that the Governor had approved the Act explanatory of the duties of Sheriffs and rights of Redemptioners under tax sales.

On motion of Mr. Sime, at 3 o'clock the House adjourned until 2 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, January 24, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent :

Messrs. Blake, Caldwell, Carhart, Carpentier, Cardozo, Fairfax, Gardner, Hally, Heydenfeldt, Irwin, Knight, Lee, Leake, McCandless, McFarland, Moore, Pacheco, Robinson, Smith, Thomas, Wilson, Wing, and Yeiser.

The Journal of Saturday was read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted for one day, to Messrs. Smith, Wing, Carhart, McFarland, Moore, Leake, Carpentier, Wilson, McCandless, Fairfax, Cardozo, Blake, Gardner, Robinson, Heydenfeldt, Pacheco, and Yeiser. Messrs. Hally and Lee, for two days.

Mr. Hoff presented a petition from sundry citizens of Tuolumne county, praying for the passage of a law authorizing the funding of the County Debt.

Petition was read and referred to the Delegation from Tuolumne county.

Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento.

Read a second time, and ordered to a third reading on to-morrow.

Senate bill for An Act to provide for the redemption of Lands sold for Taxes.

Read second time, and referred to Judiciary Committee.

Senate bill, An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850,

Read second time, and referred to Committee on Mines and Mining Interests.

On motion of Mr. Mandeville, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, January 25, 1853.

The House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Bell, Covarrubias, Rogers and Thomas.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Martin presented a petition from citizens of Trinity county, praying for a division of the county.

Read and referred to Committee on County and County Boundaries.

Senate bill for an Act to legalize certain record of deeds in the county of Sacramento.

Read a third time; and

On motion, laid upon the table.

Senate bill for an Act to amend an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4, 1852.

Read first and second time, and referred to Committee of Ways and Means.

Senate bill for an Act to repeal an Act creating the office of Superintendent of Public Buildings.

Read first and second time, and referred to Committee on Public Buildings and Grounds.

Mr. Flower introduced a bill for an Act to provide for the more perfect indexing and classification of the Land Records of the city and county of San Francisco.

Read first and second time, and referred to the San Francisco delegation.

Mr. Letcher introduced a bill for An Act concerning Roads and Highways.

Read first and second time, and referred to Committee on Roads and Highways.

The following message was received from the Senate :

I am directed to inform the Assembly, that the Senate passed, on the 22d instant, An Act to amend an Act appropriating money to meet the Contingent Expenses of Government, approved May 4, 1852 ;

And a bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings.

A. C. BRADFORD,
Secretary of the Senate.

January 24, 1853.

Mr. Snyder offered the following, which was adopted :

Resolved, That the regular hour of meeting of the Assembly shall be at 10 A. M., unless otherwise ordered.

Mr. Brush gave notice that he would, on some future day, introduce a bill for the regulation of salaries of officers.

The following message was received from His Excellency the Governor :

I have this day approved an Act entitled An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

JOHN BIGLER.

Mr. Brush offered the following, which was, on motion, laid upon the table :

Resolved, by the Assembly, (the Senate concurring,) That the two Houses meet in the Assembly chamber on Thursday, the 27th instant, to elect a Superintendent of Public Buildings.

Mr. Crenshaw offered the following, which was adopted :

Resolved, That the Governor of this State be requested to inform this House, whether M. G. Vallejo has granted to this State the lands mentioned

in his proposition submitted to the Legislature of this State on the third day of April, 1850, respecting the permanent Seat of Government.

Mr. Wells introduced a bill for An Act to amend an Act entitled an Act to provide for levying, assessing, and collecting public revenue, approved April 23, 1852.

Read first and second time, and referred to Committee of Ways and Means.

Mr. Kittredge gave notice that he would, at an early day, introduce a bill to amend an Act entitled An Act concerning Roads and Highways.

Mr. Van Dyke gave notice that on to-morrow, or soon thereafter, he would introduce a bill for an Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851.

Mr. McMeans gave notice that on to-morrow, or at an early day, he would introduce a bill to establish an Asylum for the Insane of the State of California.

Also, a bill to repeal the existing laws creating Hospitals in this State, and for other purposes connected therewith.

Mr. Brush gave notice that on to-morrow, or some future day, he would introduce a bill to abolish all laws for the collection of debts.

Mr. Canney gave notice, that on to-morrow, or soon thereafter, he would introduce a bill for the appropriation of the sum of \$370,000, which will be due this State on the 4th of February next.

On motion of Mr. Mandeville, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, January 26, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Canney, Carhart, Fairfax, Gardner, Kittredge, McMeans, Oliver, Pacheco, Reading, Rogers, Smith, Tighlman, Walker, Wilson and Yeiser.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Fairfax and Smith for one day; and to Messrs. Carhart, Rogers and Pacheco for three days.

Mr. Heydenfeldt presented a petition for the relief of Clark and Craine. Read, and referred to Committee on Public Buildings.

Mr. Heydenfeldt presented, also, an account of George T. Rigby, Which was referred to Committee on Claims.

Mr. Meredith presented a petition of sundry citizens of Tuolumne county, praying for the passage of an Act to fund the debt of Tuolumne county.

Referred to the Delegation from that county.

Mr. Owen presented a petition from sundry citizens of Solano county, praying for the passage of a law in reference to settlers upon public lands in this State.

Read and referred to Judiciary Committee.

Mr. Yeiser made the following report :

The Judiciary Committee, to whom was referred back An Act to authorize certain officers to qualify and enter upon their official duties, with instructions, ask that they be instructed to prepare a new bill as a substitute for said bill.

Also, that they have carefully considered An Act to amend an Act entitled an Act for the permanent location of the Seat of Government, passed February 4th, 1851, and respectfully recommend that it be rejected.

*Chairman.

January 26, 1853.

The bill, in accordance with the suggestion of the committee, was referred, with instructions to prepare a substitute.

Assembly bill, An Act to amend an Act entitled an Act for the permanent location of the Seat of Government,

On its third reading was lost by a vote of the House.

Mr. Heydenfeldt offered the following, which was adopted :

Resolved, That the Treasurer be requested to inform the Assembly what amount has been paid into the State Treasury by the Commissioners of the Funded Debt of the city of San Francisco, and at what time the same was paid.

Mr. Covarrubias offered the following :

Resolved, That a joint committee of three from the Assembly, and a like number of the Senate, be appointed for the purpose of carrying into effect provisions of the Act providing for the translation of the Laws into the Spanish language, passed March 18th, 1851.

Mr. Heydenfeldt moved to amend the resolutions by inserting " the Senate concurring."

Agreed to.

Resolution as amended was then adopted.

Messrs. Covarrubias, McFarland and Pacheco were appointed said committee.

Mr. McMeans introduced a bill for An Act fixing the Seat of Government permanently.

Read first and second time, and ordered to a third reading on to-morrow.

Mr. Leake introduced a bill for An Act to amend an Act concerning Courts of Justice of this State and Judicial Officers, passed March 11th, 1851.

Read first and second time, and referred to the Judiciary Committee.

On motion of Mr. Heydenfeldt, Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento, was taken from the table; and,

On motion of Mr. Conness, the vote which read the bill the third time on yesterday, was reconsidered, and the bill referred to the Judiciary Committee.

The Speaker laid before the House papers in reference to the contest of the seat of Mr. McCandless;

Which were read and referred to Committee on Elections.

The following message was received from the Senate:

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, yesterday, a Concurrent Resolution for the organization of a joint select committee of the two Houses on the subject of apportioning the Senatorial and Assembly Districts of the State; and

Assembly bill for An Act to attach Mare Island to Solano county;

And that the Governor approved, yesterday, Joint Resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco county; and

Joint Resolution granting leave of absence to Hon. Hugh C. Murray.

A. C. BRADFORD,
Secretary of the Senate.

January 26, 1853.

Senate Concurrent Resolution, appointing a Joint Committee to apportion the Senators and Members of the Legislature under the Census of 1852, was amended.

Read and adopted.

Mr. Wilson, chairman, made the following report:

The Joint Committee on Enrollment respectfully report, that they have examined, and found correctly enrolled, An Act to repeal an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, approved March 29, 1852.

An Act relating to San Diego Pilots.

Also An Act in relation to the supplies of Fuel and other Contingent Expenses of the Legislature.

Mr. Owen introduced a bill in reference to Lawful Fences and Animals Trespassing.

Read first and second time, and referred to Committee on Agriculture, and one hundred copies ordered to be printed.

Mr. Van Dyke, introduced a bill to change and define the Boundaries of Trinity and Klamath counties, and to establish a new county to be called the county of Humboldt.

Read first and second time, and referred to Committee on Counties and County Boundaries.

He also introduced a bill for An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, from March 11, 1851, and to repeal an Act amendatory thereof, approved May 3, 1852.

Read first and second time, and referred to Judiciary Committee.

Mr. Brush offered the following, which was,

On motion, laid upon the table.

Resolved, That the members of this Assembly draw for their seats in this House. The lowest number being entitled to the first choice.

Mr. Owen moved to adjourn.

Not agreed to.

Mr. Heydenfeldt moved to take a recess until $\frac{1}{2}$ past 2 o'clock.

Not agreed to.

Mr. McFarland gave notice that he would, on to-morrow, or at an early day, introduce a bill for an Act for the Government and Protection of Indians.

Mr. McCandless gave notice that he would, at an early day, introduce a bill to Fund the Debt of Sutter county.

Mr. Carpentier gave notice that, on to-morrow, he would introduce proposed amendments to the second and third sections of article sixth of the Constitution of the State of California.

On motion, at half past 12, the house adjourned until 10 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

THURSDAY, January 27, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent : Messrs. Covarrubias, Irwin, Leake, McCandless, Rogers and Wilson.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Heydenfeldt presented a petition from Andrew J. Price, with an account annexed.

Read and referred to Committee on Claims.

Mr. Wilson, Chairman, made the following report :

The Joint Committee on Enrollment have examined and found correctly enrolled An Act to attach Signor or Mare Island to Solano county. Also, An Act to authorize certain officers and other persons to administer oaths.

Mr. McCandless offered the following, which was laid upon the table :

Resolved, That a Committee of three members of Assembly be appointed, for the purpose of examining the condition and affairs of the State Marine Hospital at San Francisco, and that said Committee have power to examine persons and papers, and that they report as soon as practicable.

Mr. Wing offered the following, which was adopted :

Resolved, That the Committee on Public Buildings and Grounds be and are hereby instructed to report to morrow on a bill for An Act to provide for the permanent location of the Seat of Government, referred to said Committee.

Mr. Cardozo made the following report ;

The Committee on Public Lands, to whom was referred a bill for An Act for the disposal of the five hundred thousand acres of land, granted to this State by Act of Congress, approved 4th April, A. D. 1851 ; have had the same under consideration, and have made the following amendments thereto :

Change section "one" to section "two."

Change section "two" to section "three."

Change section "three" to section "four."

And read for section one the amendment thereto added.

They beg to return said bill with the amendments to the House, and most respectfully recommend their adoption, and the passage of the bill.
All of which is submitted.

J. N. CARDOZO.

Chairman of Committee on Public Lands.

The bill and amendments, by order, were laid upon the table.

Mr. Yeiser introduced a bill for An Act to authorize the Comptroller to audit the accounts of the Board of Trustees of the Stockton State Hospital.

Read first and second time, and referred to Committee on Claims.

Mr. McMeans introduced a bill for An Act to establish an Asylum for the Insane.

Read first and second time and referred to Committee on Hospitals, and five hundred copies ordered to be printed.

Mr. Hally introduced a bill for An Act to amend the 9th section of an Act concerning Judges of the Plains, and defining their duties, passed April 25, 1851.

Read first and second time, and referred to Judiciary Committee.

The Committee on Commerce, to whom was referred a bill for An Act to amend an Act entitled an Act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano, have had the same under consideration, beg leave to return said bill to the House as defective, report a substitute for the same, and respectfully recommend its passage.

All of which is submitted.

J. N. CARDOZA,

Chairman Committee on Commerce.

The substitute, an Act amendatory of an Act to authorize William Moody, and Morgan Hart, to build a Wharf in the county of Solano, considered as engrossed, read a third time, and passed.

Mr. Owen offered the following :

Resolved, By the Assembly, (the Senate concurring,) That this legislature will hold its present session at the city of Vallejo.

Mr. ——— moved to lay the resolution on the table.

Upon which, Mr. Owen demanded the ayes and nays.

Those voting aye were—

Messrs. Blake,
Bostwick,
Brush,
Caldwell,
Conness,
Cardozo,
Crenshaw,

Messrs. Hally,
Harrison,
Hoff,
Meredith,
McFarland,
Thomas,
Van Dyke,

Messrs. Ewing,
Fairfax,
Flower,

Messrs. Wilson,
Wing,
Speaker—20.

Those voting nay were—

Messrs. Bell,
Cabaniss,
Canney,
Carhart,
Estep,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Johnson,
Kittredge,
Knight,
Lee,
Leake,
Letcher,

Messrs. Mandeville,
Martin,
Oliver,
Owen,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Smith,
Taylor,
Walker,
Wells,
Yeiser—29.

So the resolution was not laid upon the table.

Mr. Canney moved to indefinitely postpone the resolution.

Mr. Mandeville demanded a call of the House.

The call was sustained.

The Clerk called the roll, and the following members were absent :—

Messrs. Irwin, Leake, McGarry and Tighlman.

On motion, the Sergeant-at-Arms was despatched after the absentees.

On motion, Messrs. Leake and Tighlman were admitted within the bar of the House, and excused.

On motion of Mr. Canney, Messrs. Irwin and McGarry were excused.

On motion of Mr. Taylor, further proceedings under the call was dispensed with.

Mr. Canney then withdrew the motion to indefinitely postpone.

The resolution was then put on its final passage, and Mr. Canney demanded the ayes and nays.

Those who voted aye were—

Messrs. Bell,
Cabaniss,
Caldwell,
Covarrubias,
Ewing,
Hally,
Herbert,
Heydenfeldt,

Messrs. Leake,
Mandeville,
McGarry,
McMeans,
Myres,
Oliver,
Owen,
Robinson,

Messrs. Hoff,
Johnson,
Kittredge,

Messrs. Walker,
Yeiser—21.

Those voting nay were—

Messrs. Blake,
Bostwick,
Brush,
Canney,
Carhart,
Conness,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Garfield,
Harrison,
Knight,
Lee,
Letcher,

Messrs. Meredith,
McCandless,
McFarland,
Moore,
Reading,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Tighlman,
Van Dyke,
Wells,
Wilson,
Wing,
Speaker—34.

So the resolution did not pass.

Mr. Halley introduced a bill for an Act for the relief of E. J. Osborn.
Read first and second time, and referred to the Committee on Claims.

Mr. Wells introduced a bill for an Act to amend an act entitled an
Act to regulate proceedings in Criminal cases, passed May 1st, 1851.

Read first and second time, and referred to Judiciary Committee.

On motion of Mr. Heydenfeldt, the Committee on Education was instructed to report immediately, upon a Joint Resolution in relation to a Historical Society in San Francisco.

And on his motion, leave of absence was granted to Speaker Wall for two days.

Mr. Yeiser offered a resolution asking the President of the United States to appoint Edmund Randolph Commissioner to China.

Mr. Canney demanded the previous question, upon the resolution.

The Speaker put the question, "Shall the main question be now put?"

And Mr. Robinson demanded the ayes and nays.

Those who voted for the main question were—

Messrs. Bell,
Bostwick,
Cabaniss,
Canney,
Cardozo,
Covarrubias,

McFarland,
McGarry,
McMeans,
Moore,
Owen,
Reading,

Messrs. Crenshaw,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Johnson,
Lee,
Leake,
Meredith,
McCandless,

Messrs. Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Tighlman,
Walker,
Wells,
Wilson,
Wing,
Yeiser—37.

Those who voted nay were—

Messrs. Blake,
Brush,
Caldwell,
Carhart,
Conness,
Estep,
Hally,
Harrison,
Hoff,

Messrs. Kittredge,
Knight,
Letcher,
Mandeville,
Oliver,
Robinson,
Van Dyke,
Speaker—17.

So the previous question was sustained.

The main question was the passage of the resolution.
Mr. Van Dyke demanded the ayes and nays.

Those who voted for the resolution were—

Messrs. Bell,
Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Johnson,
Lee,
Leake,
Meredith,
McCandless,
McFarland,

McGarry,
McMeans,
Moore,
Owen,
Reading,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Tighlman,
Van Dyke,
Walker,
Wells,
Wilson,
Wing,
Yeiser—36.

Those who voted against the passage of the resolution were—

Messrs. Blake,
Bostwick,
Brush,
Caldwell,
Carhart,
Conness,
Cardozo,
Estep,
Hally,

Messrs. Harrison,
Hoff,
Kittredge,
Knight,
Letcher,
Mandeville,
Myres,
Robinson,
Speaker—18.

So the resolution passed.

Mr. Brush introduced a Joint Resolution asking the appointment of Jesse Brush to be Minister to Chile.

Read first and second time, and ordered to a third reading on to-morrow.

The following message was received from the Senate :

Mr. Speaker—

I am directed to inform the Assembly that the Senate passed yesterday, a Concurrent Resolution authorizing the Governor to receive any and all moneys that may be due from Gen. M. G. Vallejo to the State ;

And a Joint Resolution in relation to the harbor of Santa Cruz.

A. C. BRADFORD,
Secretary of Senate.

Senate Concurrent Resolution authorizing the Governor to receive of M. G. Vallejo, any and all moneys that may be due from him to the State.

Read and referred to Committee on Public Buildings and Grounds.

Senate Joint Resolution in relation to the Harbor of Santa Cruz.

Read first and second time, and referred to Committee on Federal Relations.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
City of Vallejo, Jan. 26, 1853. }

To Hon. I. B. WALL,

Speaker, &c.,

SIR:—In compliance with a resolution of the Assembly adopted on yesterday, requesting me to inform the Assembly whether M. G. Vallejo had granted to this State, the lands mentioned in his proposition, &c.

I have the honor to report that the only evidence of his having done so, to be found on file in this Department, is a communication from my predecessor to the Assembly, to be found on page 1083 of Assembly Journals of 1851, advising that body, that on the 4th day of February, "M. G. Vallejo deposited a deed for ——— acres of land, to be selected by agents or commissioners of the State, in such portions as they may deem proper for the interests of the State in the erection of Public Buildings." The deed, however, cannot be found, but it is understood, has been recorded in the Recorder's Office of this county.

Respectfully,
JOHN BIGLER.

The following message was received from the State Treasurer.

STATE TREASURER'S OFFICE,)
Vallejo, Jan. 27, 1853.)

To the Hon. ISAAC B. WALL,

Speaker of the Assembly,

SIR:—In answer to the resolution of your honorable body, passed on the 26th instant, requesting me "to inform the Assembly what amount has been paid into the State Treasury, by the Commissioners of the Funded Debt of the city of San Francisco, and at what time the same was paid," I have to inform you that the sum of one thousand dollars has been paid, which payment was made on the 26th day of January 1852, by John W. Geary, President of the Board of Commissioners.

Very Respectfully,
Your ob't Seryant,
RICHARD ROMAN,
State Treasurer.

The following message was also received from His Excellency the Governor, relative to the Census of the State. (See Senate Appendix No. 14.)

Three thousand copies of the report of the Secretary of State was ordered to be printed.

On motion of Mr. Owen, at two o'clock the House adjourned until ten o'clock to morrow.

HOUSE OF ASSEMBLY.

FRIDAY, January 28, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Canney, Gardner, Garfield, Irwin, Lee, Leake, Martin, Meredith, Moore, Tighlman, Van Dyke, and Walker.

The Journal of yesterday was read and approved.

The Speaker (Mr. Wing in the chair) announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Irwin for one day, and to Mr. Martin for five days.

Mr. Carhart presented a petition from numerous citizens of Colusi county, praying a removal of the seat of justice of said county to the town of Colusi.

Read, and referred to the delegate from Colusi county, with instructions to prepare a bill.

Mr. Heydenfeldt presented a claim from steamboat S. B. Wheeler.

Referred to Committee on Claims.

Mr. Brush offered a Joint Resolution requesting our Representatives and instructing our Senators in Congress to use all proper means to obtain the repayment of the money paid into the federal treasury by citizens of California prior to her admission into the Union.

Read first and second time, and referred to Committee on Federal Relations.

Mr. Sime made the following report:

The Committee on Public Buildings and Grounds, to whom was referred "Senate Concurrent Resolution No. 8, authorizing the Governor to receive of M. G. Vallejo any and all moneys that may be due from him to the State," have had the same under consideration, and beg leave to report it back, and recommend its passage, with the following addition to the first clause: "Provided, that the entire amount of three hundred and seventy thousand dollars, due under said proposition, be tendered at the same time."

All of which is respectfully submitted.

JOHN SIME,
Chairman.

Senate Concurrent Resolution, "authorizing the Governor to receive of M. G. Vallejo any and all moneys that may be due from him to the State," was then taken up, the amendment submitted by the Committee on Public Buildings and Grounds agreed to, and the resolution, as amended, adopted.

Mr. Fairfax made the following report:

The Committee to whom was referred the Joint Resolution concerning the Historical Society of the State of California, have examined the same, and respectfully report it back to the House without amendment, and recommend its passage.

The Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations, was then adopted.

Mr. McMeans made the following report :

The Committee on Ways and Means, to whom was referred a bill for an Act to amend "an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4th, 1852," have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

S. A. McMEANS,
Chairman.

Senate bill, an Act to amend an Act appropriating money to meet the Contingent Expenses of Government, approved May 4, 1852, was then read a third time and passed.

Mr. Carhart introduced a bill for an Act for the location of the Seat of Justice of the county of Colusi.

Read first and second time, considered as engrossed, read a third time, and passed.

Mr. Hoff, Chairman of select committee to whom had been referred sundry petitions from citizens of Tuolumne county for that purpose, reported a bill for an Act to authorize the Funding of the Debt of the county of Tuolumne, and to provide for the payment of the same, which was read first and second time, considered as engrossed, read a third time, and passed.

The following communication was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate non-concurred, yesterday, in Assembly amendment to Senate Concurrent Resolution on the subject of apportioning the Senatorial and Assembly Districts of the State.

And have appointed, as a committee of conference, on the disagreeing vote of the two Houses, Messrs. Lott, Sprague and Foster.

And passed, yesterday, a Joint Resolution relative to the Public Printing ; and

An Act in relation to Water Companies.

A. C. BRADFORD,
Secretary Senate.

January 28, 1853.

The Speaker appointed Messrs. Redding, Garfield and Hoff committee of conference on the disagreeing vote of the two Houses upon the subject of apportioning the Senatorial and Assembly Districts of the State.

Senate Joint Resolution relative to the Public Printing, was read a first

and second time, considered in committee of the whole,—Mr. McMeans in the chair,—read a third time and passed.

Senate bill, An Act in relation to Water Companies.

Read first and second time, and referred to Judiciary Committee.

Mr. Cabaniss introduced a bill for An Act to regulate the practice of medicine and surgery in the State of California.

Read first and second time, and referred to Committee on State Hospitals.

Mr. Hally introduced a bill for An Act to amend an Act entitled an Act for the protection of Game.

Read first and second time, and referred to Committee on Agriculture.

Mr. Smith presented a petition, with an accompanying bill for An Act for the relief of Jacob D. Hoppe.

Read first and second time and referred, with the petition, to Committee on Claims.

Mr. McMeans offered the following resolution, which was adopted :

Resolved, That the Sergeant-at-Arms be instructed to procure four tables for the use of the Engrossing and Copying Clerks of the Assembly.

The following message was received from the Governor :

I have this day approved An Act entitled an Act to attach Signor or Mare Island to Solano county.

JOHN BIGLER.

Mr. Meredith made a majority report of the Committee on Public Buildings and Grounds, to whom had been referred Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings.

Mr. Sime made a minority report upon the same bill.

On motion, the bill, together with the reports, was recommitted to the Judiciary Committee.

The Committee on Public Buildings and Grounds also reported back House bill, An Act fixing the Seat of Government permanently, with a substitute.

Mr. Canney moved to lay the bill and substitute upon the table.

Upon which Mr. Conness demanded the ayes and nays.

Those who voted to lay the bill upon the table were—

Messrs. Bell,
Cabaniss,
Canney,
Covarrubias,
Estep,
Ewing,
Flower,
Gardner,
Hally,
Harrison,

Messrs. Knight,
Leake,
Letcher,
Mandeville,
McGarry,
Myres,
Oliver,
Owen,
Pacheco,
Reading,

Messrs. Herbert,	Messrs. Robinson,
Heydenfeldt,	Smith,
Hoff,	Walker,
Johnson,	Wells,
Kittredge,	Yeiser—30.

Those who voted not to lay upon the table were—

Messrs. Blake,	Messrs. McCandless,
Bostwick,	McFarland,
Brush,	McMeans,
Caldwell,	Moore,
Carhart,	Redding,
Conness,	Sime,
Cardozo,	Snyder,
Crenshaw,	Thomas,
Fairfax,	Tighlman,
Garfield,	Wilson,
Lee,	Wing—23.
Meredith,	

So the bill was laid upon the table.

Mr. Robinson presented sundry Hospital reports from Sacramento, which were referred to Committee on State Hospitals.

Mr. Owen moved to reconsider the vote which adopted the resolution recommending Edmond Randolph as Commissioner to China.

Mr. Canney moved to indefinitely postpone the motion to reconsider.

Mr. Conness moved a call of the House.

The call was sustained.

The Clerk called the roll, and the following members were absent:—
Messrs. Crenshaw, Garfield, Leake, Van Dyke and Walker.

On motion, the Sergeant-at-Arms was dispatched for the absentees.

On motion, Messrs. Crenshaw, Garfield and Leake were admitted within the bar and excused.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

Mr. Canney demanded the ayes and nays.

Those who voted to indefinitely postpone were—

Messrs. Cabaniss,	Messrs. McFarland,
Canney,	McGarry,
Cardozo,	Moore,
Covarrubias,	Pacheco,
Estep,	Reading,
Ewing,	Redding,
Fairfax,	Sime,
Flower,	Snyder,
Gardner,	Smith,

Messrs. Garfield,
Herbert,
Heydenfeldt,
Johnson,
Lee,
Meredith,
McCandless,

Messrs. Taylor,
Thomas,
Tighlman,
Wilson,
Wing,
Yeiser—31.

Those who voted against indefinite postponement were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Caldwell,
Carhart,
Conness,
Crenshaw,
Hally,
Harrison,
Hoff,

Messrs. Kittredge,
Knight,
Letcher,
Mandeville,
McMeans,
Myres,
Oliver,
Owen,
Robinson,
Wells—21.

So the motion to reconsider was indefinitely postponed.

The Joint Resolution, asking the appointment of Jesse Brush as Minister to Chili, was read a third time; and on the question being put, Mr. Blake demanded the ayes and nays.

Mr. Conness moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent:—Messrs. Gardner, Garfield, Owen, Van Dyke and Walker.

On motion, further proceedings under the call were dispensed with.

Pending the vote, the Speaker decided that any member had the right to change his vote at any time before the result was announced by the chair, from which decision Mr. Brush appealed.

Upon which appeal, the chair was sustained by the House.

Upon the final passage of the resolution,

Those who voted in the affirmative were—

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Carhart,
Coxarrubias,
Estep,
Gardner,
Hally,

Messrs. Hoff,
Johnson,
Kittredge,
Lee,
McGarry,
Myres,
Reading,
Redding,
Robinson,

Messrs. Harrison,
Herbert,
Heydenfeldt,

Messrs. Smith,
Wilson,
Wing—24.

Those who voted in the negative were—

Messrs. Bostwick,
Conness,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Flower,
Leake,
Letcher,
Mandeville,
Meredith,
McCandless,

Messrs. McFarland,
McMeans,
Moore,
Oliver,
Owen,
Sime,
Snyder,
Taylor,
Thomas,
Tighlman,
Wells,
Yeiser—24.

So the resolution was lost.

On motion, leave of absence was granted to Messrs. Hoff, Cabaniss, Gardner Reading, Redding, Knight, and the Clerk for two days.

On motion, Mr. Caldwell was granted indefinite leave of absence.

The following message was received from the Governor, together with the communication referred to :

I have the honor, herewith, to transmit a communication, received this day, from Gen. M. G. Vallejo, in relation to a bond heretofore executed by him to the State of California.

JOHN BIGLER.

(See Senate Appendix, No. 15.)

Mr. Fairfax moved at half past one o'clock, to adjourn until Monday, 2 o'clock, P. M.

On which motion, Mr. Blake demanded the ayes and nays.

Mr. Canney moved a call of the House, which was sustained.

The Clerk called the roll, and the following members were absent:—

Messrs. Ewing, Mandeville and McFarland.

On motion, further proceedings under the call were dispensed with.

Those who voted in the affirmative were—

Messrs. Bell,
Blake,
Canney,
Carhart,
Cardozo,

Messrs. McCandless,
McGarry,
Moore,
Myres,
Redding,

Messrs. Covarrubias,
Crenshaw,
Estep,
Fairfax,
Herbert,
Lee,
Letcher,

Messrs. Sime,
Smith,
Taylor,
Tighlman,
Van Dyke,
Wilson,
Yeiser—24.

Those who voted in the negative were—

Messrs. Bostwick,
Brush,
Conness,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Johnson,
Kittredge,
Leake,

Messrs. Meredith,
McMeans,
Oliver,
Owen,
Robinson,
Snyder,
Thomas,
Walker,
Wells,
Wing—21.

So the House adjourned until Monday, 2 o'clock, P. M.

HOUSE OF ASSEMBLY,

MONDAY, January 31, 1853.

House met pursuant to adjournment.

Mr. Wing in the chair.

There being no quorum present,

On motion of Mr. Heydenfeldt, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, February 1, 1853.

House met pursuant to adjournment.

Mr. Wing in the chair.

On motion made by Mr. Conness, the roll was called, and the following members were absent :—Messrs. Bell, Blake, Bostwick, Brush, Cabaniss, Canney, Carhart, Cardozo, Covarrubias, Crenshaw, Fairfax, Flower, Gardner, Herbert, Hoff, Johnson, Knight, Lee, Leake, Meredith, McCandless, McGarry, Moore, Myres, Pacheco, Reading, Sime, Smith, Thomas, Tighlman, Van Dyke, Walker, Wilson, Yeiser and Mr. Speaker.

There being no quorum,

On motion of Mr. Rogers, at 12 o'clock the House adjourned until 10 to-morrow.

HOUSE OF ASSEMBLY,

WEDNESDAY, Feb. 2d, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:

Messrs. Cabaniss, Fairfax, Gardner, Garfield, Hoff, Lee, Leake, McGarry, Thomas, Tighlman, and Walker.

The Journals of Friday, Monday, and Tuesday, were read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Cabaniss, Fairfax, Hoff, Lee, Tighlman, and Thomas, for one day, and to Mr. McGarry, for two days, and Mr. Walker, for one week.

Mr. Johnson offered the following, which was adopted. :

Resolved, That the Comptroller of this State is hereby requested to communicate to this Assembly at the earliest practicable period, information whether any Comptroller's warrants have been issued in favor of the State Prison Contractors, or on account of such contract. If so, the amount of the same, and the time such warrants were so issued.

Mr. Heydenfeldt introduced a bill for An Act for the mutual release of the State of California and M. G. Vallejo.

Read first and second time, and referred to Committee on Public Buildings with instructions to report this day.

Mr. Oliver offered the following, which was laid upon the table :

Resolved, That the Sergeant-at Arms be, and is hereby authorized to purchase all the stationery necessary for the use of the Assembly.

Mr. Speaker laid before the House the report of the Attorney-General, in reference to the location of the Capital. (See Appendix No. 12.)

The report was read, and, on motion, made the special order for to-morrow, at 11 o'clock.

Mr. McMeans introduced a bill, An Act to provide for enforcing the collection of taxes on consigned goods.

Read first and second time, and referred to Committee on Commerce.

He also introduced a bill, An Act to provide a change of venue in certain cases.

Read first and second time, and referred to Judiciary Committee.

Mr. Robinson introduced a bill, An Act for the relief of the city of Sacramento

Read first and second time and referred to Committee on Claims.

Mr. Kittredge introduced a bill to amend An Act concerning Roads and Highways.

Read first time and ordered to a second reading on to-morrow.

The following message was received from the Governor :

I have the honor herewith to transmit copies of communications received from the Department of the Interior.

JOHN BIGLER.

(See Appendix No. 13.)

A communication from M. G. Vallejo, (See Senate Appendix No. 15,) proposing a general release from the State to him and from him to the State, was read, and the following resolution, offered by Mr. Heydenfeldt, was adopted,

Resolved, That the communication of M. G. Vallejo to his Excellency the Governor, dated January 27, 1853, requesting release from his bond, approved under An Act entitled An Act for the permanent location of the Seat of Government, be returned to the Executive office, with a request that it be filed among the archives of the State.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Governor approved, on the 28th January—

An Act relating to San Diego Pilots ;

An Act to authorize certain officers and other persons to administer oaths ;

An Act in relation to the supplies of Fuel, and other contingent expenses of the Legislature.

A. C. BRADFORD,
Secretary Senate.

February 2, 1853.

Mr. Carpentier presented a proposition to alter and amend the Constitution of the State ; which was read, and on his motion laid upon the table.

Mr. Carpentier moved to have one hundred and fifty copies printed.

Not agreed to.

Mr. Owen presented a memorial from the citizens of Vallejo, in reference to the removal of the Capital, and asking remuneration for their losses.

The memorial was read, and laid upon the table.

On motion of Mr. Redding, the bill establishing the permanent Seat of Government at Benicia, and the opinion of the Attorney General, together with the communication from M. G. Vallejo, and the memorial of citizens of Vallejo, was taken from the table, and made the special order for 11 o'clock to-morrow.

Mr. Meredith gave notice that he would, on to-morrow, or at an early day, introduce a bill for the adoption of the ten hour system of labor on the public works of the State.

Mr. Blake gave notice that on some future day he would introduce a bill for the abolishment of certain officers, known as Commissioners of the Funded Debt of San Francisco.

Mr. Sime made the following report :

The Committee on Public Buildings, to whom was referred An Act for the mutual release of the State of California and M. G. Vallejo, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

The bill was made the special order for to-morrow, at 11 o'clock.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the

27th inst., An Act to fix the compensation of all County Judges, where not otherwise provided for, and the Associate Justices of the Courts of Session, and to repeal so much of a like Act, passed April 22, 1850, as relates to the county of Monterey :

And a Concurrent Resolution appointing Trustees to the Stockton Hospitals :

And passed, 1st February, An Act to prevent monopolies that tend to produce famine.

A. C. BRADFORD,
Secretary Senate.

February 2, 1853.

Senate bill for An Act to fix the compensation of all County Judges where not otherwise provided for, and the Associate Justices of the Courts of Sessions, and to repeal so much of a like Act passed April 22d, 1850, as relates to the County of Monterey, read first time, and ordered to a second reading on to-morrow.

Senate bill for An Act to prevent monopolies that tend to produce famine, read first and second time.

Mr. Johnson moved to have 300 copies printed.

And Mr. Canney demanded the ayes and nays.

Those who voted to print were—

Messrs. Bostwick,
Carhart,
Carpentier,
Crenshaw,
Ewing,
Garfield,
Hally,
Harrison,
Irwin,
Johnson,
Kittredge,
Knight,
Leake,

Messrs. Mandeville,
Meredith,
McMeans,
Oliver,
Owen,
Reading,
Robinson,
Taylor,
Van Dyke,
Wells,
Wing,
Speaker—25.

Those who voted against printing were—

Messrs. Bell,
Blake,
Brush,
Canney,
Conness,
Cardoza,
Covarrubias,
Estep,

Messrs. Heydenfeldt,
Letcher,
McCandless,
McFarland,
Myres,
Pacheco,
Redding,
Rogers,

Messrs. Flower,
Gardner,
Herbert,

Messrs. Sime,
Snyder,
Wilson—22.

So the House decided to print 300 copies.

Mr. Canney moved to refer the bill to committee of the whole House, and demanded a call of the House.

Call not sustained.

Mr. Heydenfeldt demanded the previous question.

The Speaker put the question, "Shall the main question be now put?"

The House decided in the affirmative.

The main question was a reference to committee of the whole.

Upon which Mr. Blake demanded the ayes and nays.

Those who voted to refer the bill to committee of the whole House were—

Messrs. Blake,
Brush,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Estep,
Flower,
Heydenfeldt,

Messrs. Johnson,
Letcher,
McCandless,
Myres,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Speaker—20.

Those who voted nay were—

Messrs. Bell,
Bostwick,
Carpentier,
Crenshaw,
Ewing,
Gardner,
Garfield,
Hally,
Harrison,
Herbert,
Irwin,
Kittredge,
Knight,
Leake,
Mandeville,

Messrs. Meredith,
McFarland,
McMeans,
Moore,
Oliver,
Owen,
Pacheco,
Reading,
Robinson,
Rogers,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser—30.

So the House refused to refer to committee of the whole.

Mr. Oliver moved to refer the bill to Judiciary Committee.

Mr. Brush moved to amend by referring to Committee on Commerce.
Not agreed to.

The motion was then put to refer to Judiciary Committee, and decided in the affirmative.

Senate Concurrent Resolution appointing Trustees to Stockton Hospital, read first time,

And on motion of Mr. Yeiser, was laid upon the table.

Mr. Cardozo introduced a bill for An Act to abolish special terms of the Supreme, District and County Courts of this State.

Read first time, and ordered to a second reading on to-morrow.

Mr. Wells moved to take from the table a bill to amend the Act to dispose of the 500,000 acres of land.

No quorum voted.

A motion was made to adjourn.

Not agreed to.

Mr. Crenshaw renewed the motion to take from the table a bill to amend the Act to sell 500,000 acres of land.

No quorum voted.

Mr. Cardozo introduced a bill for An Act to amend the twelfth, fourteenth, and sixteenth sections of an act entitled an Act concerning County Recorders, passed March 26th, 1851.

Read first and second time, and 240 copies ordered printed.

Mr. Blake offered the following preamble and resolutions:

Whereas, We have noticed proceedings which have gone forth to the world, that Federal, State, and Municipal Officers of California, have given a banquet to Louis Napoleon III, in honor of his accession to the throne of France; therefore,

Resolved, That we have noticed with regret persons holding high official station in the gift of a free and independent people, exulting over the downfall of republicanism and the triumph of monarchy.

Resolved, That we, the representatives of the people of California assembled, do disclaim any sympathy whatever with Louis Napoleon III, and can only view him as an enemy to France and republican institutions.

Mr. Reading moved to lay the resolutions on the table.

Not agreed to.

Mr. McMeans moved to refer the resolutions to Committee on Federal Relations.

Not agreed to.

Mr. Blake then withdrew the preamble and the first resolution.

Mr. Canney moved to amend by inserting the preamble and the first resolution.

Not agreed to.

The vote was then taken upon the remaining resolution, and was decided in the negative.

On motion of Mr. Wilson, at 2 o'clock, P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, February 3, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Gardner, Irwin, and Tighlman.

The Journal of yesterday was read, and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Cabaniss and Hoff for one day.

Mr. Thomas made the following report :

The Committee on Engrossment report that they have examined and found correctly engrossed, An Act amendatory of an Act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano.

Also, a Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations.

Mr. Bostwick made the following report :

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled, a Joint Resolution relating to the Public Printing.

BOSTWICK,
Chairman.

ROACH,
Chairman Senate.

Mr. Crenshaw made the following report :

The Committee on Claims, to whom was referred the petition of Andrew J. Price, asking an appropriation of \$338 for taking the census of Marin county, would respectfully represent, that they have taken the same under consideration, and are of opinion, that if he is entitled to any relief, it should be granted by the Board of Supervisors or Court of Sessions of Marin county, and not by the Legislature. They therefore respectfully submit that the prayer of the petitioner should not be granted.

CRENSHAW,
Chairman.

The report of Committee was adopted.

Mr. Johnson offered the following :

Whereas, a bill has been introduced in this body, providing for the removal of the State Capital from the city of Vallejo, and the permanent location of the Seat of Government elsewhere : And *whereas*, the written opinion of the present Attorney-General of this State in reference thereto, does not coincide with the opinion of this Legislature ; Therefore, for the purpose of giving expression of the views we entertain in reference thereto,

Be it resolved, That it requires a two-thirds vote of all the members elected to each house of the Legislature of this State, to provide for the removal and permanent location of the Seat of Government.

Mr. Conness moved to lay the resolution on the table, and demanded the ayes and nays.

Those who voted to lay on the table, were—

Messrs. Bostwick,	Messrs. Redding,
Conness,	Snyder,
Gardner,	Taylor,
Heydenfeldt,	Thomas,
Lee,	Wells,
McFarland,	Wilson,
McGarry,	Wing,
Owen,	Speaker—16.

Those who voted against laying on the table were

Messrs. Bell,	Messrs. Knight,
Blake,	Leake,
Canney,	Letcher,
Carhart,	Mandeville,
Carpentier,	Meredith,
Cardozo,	McCandless,
Estep,	McMeans,
Ewing,	Myres,
Garfield,	Oliver,
Hally,	Pacheco,
Harrison,	Robinson,
Herbert,	Rogers,
Johnson,	Smith,
Kittredge,	Van Dyke—28.

So the House refused to lay upon the table.

Mr. Heydenfeldt demanded a call of the House.

The call was sustained.

The roll was called, and the following members were absent: Messrs. Irwin and Moore.

On motion of Mr. McCandless, the Sergeant-at-Arms was dispatched after absent members.

On motion, Mr. Moore was admitted within the bar of the House, and excused.

On motion of Mr. Canney, further proceedings under the call was dispensed with.

On the passage of the resolution, Mr. Blake demanded the ayes and nays.

Those who voted for the resolution, were—

Messrs. Blake,
Cabaniss,
Canney,
Carpentier,
Covarrubias,
Estep,
Harrison,
Herbert,
Johnson,
Kittredge,
Knight,

Messrs. Letcher,
Mandeville,
Meredith,
McMeans,
Myres,
Oliver,
Pacheco,
Reading,
Robinson,
Rogers,
Smith—22.

Those who voted against the resolution were

Messrs. Bell,
Bostwick,
Brush,
Carhart
Conness,
Cardozo,
Crenshaw,
Ewing,
Flower,
Gardner,
Garfield,
Hally,
Heydenfeldt,
Irwin,
Lee,
Leake,

Messrs. McCandless,
McFarland,
McGarry,
Moore,
Owen,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—32.

So the resolution did not pass.

Mr. Brush presented a petition from citizens of the county of Tuolumne upon the subject of the appointment of an additional Justice of the Peace for Columbia.

Read, and referred to Tuolumne delegation.

Mr. McMeans offered the following, which was adopted:

Resolved, That the State Treasurer be, and he is hereby requested to inform this House, whether there are any moneys in the State Treasury provided to meet the Contingent Expenses of the Assembly.

Mr. Blake introduced a Concurrent Resolution condemning the action of Federal and Municipal Officers in the banquet given to Mr. Dillon.

Mr. Canney demanded a call of the House.

The call was sustained.

The roll was called, and the following members were absent:—Messrs. Cathart, Reading and Yeiser.

The Sergeant-at-Arms was dispatched after absentees.

On motion, Messrs. Carhart, McFarland and Yeiser were admitted within the bar of the House and excused.

On motion of Mr. Taylor, further proceedings under the call were dispensed with.

The resolution then came up on its final passage, and Mr. Robinson demanded the ayes and nays.

Those who voted for the passage of the resolution were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Crenshaw,
Ewing,
Garfield,
Herbert,
Hoff,
Irwin,
Johnson,
Kittredge,
Lee,
Leake,
Letcher,

Messrs. Mandeville,
Meredith,
McCandless,
McFarland,
Myres,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—35.

Those who voted against the resolution were—

Messrs. Cabaniss,
Carhart,
Cardozo,
Covarrubias,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Heydenfeldt,

Messrs. Knight,
McGarry,
McMeans,
Moore,
Pacheco,
Reading,
Redding,
Robinson,
Sime,
Taylor—20.

So the resolution passed.

Mr. McMeans moved to indefinitely postpone the preamble to the resolution.

Mr. Conness moved to lay the motion to indefinitely postpone upon the table.

Agreed to.

The question was then taken upon the adoption of the preamble, and Mr. Heydenfeldt demanded the ayes and nays.

Those who voted for the preamble were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Crenshaw,
Ewing,
Garfield,
Herbert,
Hoff,
Irwin,
Kittredge,
Lee,
Leake,

Messrs. Mandeville,
Meredith,
Myres,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—31.

In the negative were—

Messrs. Cabaniss,
Carhart,
Cardozo,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Heydenfeldt,
Johnson,
Knight,

Messrs. Letcher,
McFarland,
McGarry,
McMeans,
Moore,
Pacheco,
Reading,
Redding,
Robinson,
Sime,
Taylor—22.

So the preamble was adopted.

The following message was received from the Senate :

Mr. Speaker :

I am directed to respectfully request that the Assembly return to the Senate, a bill entitled An Act to prevent Monopolies that tend to produce Famine.

I am also directed to inform the Assembly, that the Senate concurred yesterday, in Assembly amendment to Concurrent Resolution authorizing the Governor to receive any and all moneys that may be due from M. G. Vallejo to the State.

And passed a bill entitled An Act for the permanent location of the Seat of Government.

A. C. BRADFORD,
Secretary of the Senate.

February 3, 1853.

A motion was made to return to the Senate the bill requested by that body.

Not agreed to.

Mr. Taylor moved to reconsider the vote just taken.

The vote was reconsidered, and the Clerk ordered to return the bill to the Senate.

Senate bill for An Act to provide for the permanent location of the Seat of Government.

Read first and second time, and referred to committee of the whole House.

Mr. Taylor moved to reconsider the vote which ordered three hundred copies of Senate bill in reference to Monopolies in Provisions to be printed.

The vote was reconsidered, and the House refused to print the bill.

On motion of Mr. Crenshaw, the House resolved itself into committee of the whole, Mr. Wing in the chair, to consider Senate bill and other bills upon the subject of the removal of the Capital. After spending some time in the consideration of the subject, the committee adopted the Senate bill, and,

On motion of Mr. Crenshaw, the committee rose, reported the bill without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

The committee was discharged.

Mr. Taylor moved to suspend the rules and read the bill a third time. Upon which Mr. Johnson demanded the ayes and nays.

Those who voted to suspend the rules were—

Messrs. Bell,

Blake,

Bostwick,

Brush,

Cabaniss,

Carhart,

Conness,

Cardozo,

Crenshaw,

Ewing,

Flower,

Garfield,

Messrs. McGarry,

McMeans,

Moore,

Oliver,

Owen,

Redding,

Sime,

Snyder,

Taylor,

Thomas,

Van Dyke,

Wells,

Messrs. Hally,
Heydenfeldt,
Irwin,
McCandless,
McFarland,

Messrs. Wilson,
Wing,
Yeiser,
Speaker—33.

Those opposed to suspension were—

Messrs. Canney,
Carpentier,
Covarrubias,
Estep,
Harrison,
Herbert,
Johnson,
Kittredge,
Knight,
Lee,

Messrs. Leake,
Letcher,
Mandeville,
Meredith,
Myres,
Pacheco,
Reading,
Robinson,
Rogers,
Smith—20.

So the House refused to suspend by a two-thirds vote.

Mr. Carpentier moved to take from the table a bill to amend the Act to sell 500,000 acres of land.

Not agreed to.

Mr. Brush moved to adjourn.

Not agreed to.

Mr. Leake moved to reconsider the vote which refused to suspend the rules to read Senate bill, to fix the Seat of Government, a third time.

The vote was reconsidered.

Mr. Heydenfeldt moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent:—Messrs. McCandless, McFarland, Pacheco and Rogers.

On motion, the Sergeant-at-Arms was dispatched for absent members.

On motion of Mr. Estep, Mr. Pacheco was excused.

On motion, Messrs. McFarland, Rogers and McCandless were admitted within the bar of the House and excused.

Mr. Wing moved to dispense with further proceedings under the call.

Agreed to.

Upon the motion to suspend the rule to read Senate bill, fixing the Seat of Government, a third time, Mr. Johnson demanded the ayes and nays.

Those who voted to suspend were—

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Carhart,

Messrs. Leake,
McFarland,
McGarry,
Moore,
Oliver,

Messrs. Carpentier,
Conness,
Cardozo,
Crenshaw,
Ewing,
Flower,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Irwin,

Messrs. Owen,
Redding,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—32.

Those opposed to suspension were—

Messrs. Blake,
Canney,
Covarrubias,
Estep,
Hally,
Harrison,
Hoff,
Johnson,
Kittredge,
Knight,
Lee,

Messrs. Letcher,
Mandeville,
Meredith,
McCandless,
McMeans,
Myres,
Reading,
Robinson,
Rogers,
Sime,
Smith—22.

So the House refused, by a two-thirds vote, to suspend the rule.

On motion of Mr. Robinson, at 2 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, February 4, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent : Messrs. Bell, Bostwick, Carhart, Carpentier, Covarrubias, Gardner, Herbert, Meredith, McMeans and Tighlman.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Covarrubias for one day.

Mr. Conness moved to strike from the Journal of yesterday a resolution offered by Mr. Flower.

Agreed to.

Mr. Bostwick made the following report :

Mr. Speaker:

The Joint Committee on Enrolled Bills report that, they have examined and find correctly enrolled a concurrent resolution authorizing the Governor to receive from M. G. Vallejo, any and all moneys that may be due from him to the State;

Also, An Act to amend an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4th, 1852.

BOSTWICK,

Ch. House Committee.

ROACH,

Ch. Senate Committee.

A communication was received from the Comptroller of State, in reference to a resolution of inquiry concerning the State Prison Contractors.

Communication was read. (See Appendix No. 14.)

Senate bill to fix the permanent Seat of Government, on its third reading, was taken up for consideration.

Mr. Heydenfeldt moved a call of the House.

The call was sustained.

The roll was called, and the following member was absent:—Mr. Gardner.

On motion, the Sergeant-at-Arms was dispatched for Mr. Gardner.

On motion, Mr. Gardner was admitted within the bar of the House, and excused.

On motion of Mr. Heydenfeldt, further proceedings under the call were dispensed with.

Mr. Johnson offered a substitute to Senate bill, An Act to take the

sense of the people of the State of California upon the subject of the permanent location of the Seat of Government.

Upon which substitute Mr. Myres demanded the ayes and nays.

Those who voted for the substitute were—

Messrs. Blake,
Canney,
Estep,
Hally,
Harrison,
Herbert,
Hoff,
Johnson,
Kittredge,
Knight,
Leake,

Messrs. Letcher,
Mandeville,
Meredith,
McCandless,
McMeans,
Myres,
Reading,
Robinson,
Rogers,
Smith—21.

Those who voted against the substitute were—

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Carhart,
Conness,
Cardozo,
Crenshaw,
Ewing,
Flower,
Gardner,
Garfield,
Heydenfeldt,
Irwin,
Lee,
McFarland,

Messrs. McGarry,
Moore,
Oliver,
Owen,
Pacheco,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—32.

So the House refused to adopt the substitute.

Mr. Johnson moved to strike out all after the first section in the bill.

Mr. Taylor demanded the previous question.

The Speaker stated the question, "Shall the main question be now put?"

Which was decided in the affirmative.

The vote was then taken upon Mr. Johnson's motion to strike out;
And Mr. Canney demanded the ayes and nays.

Those who voted to strike out were—

Messrs. Blake,
Cabaniss,
Canney,
Estep,
Flower,
Hally,
Harrison,
Herbert,
Hoff,
Johnson,
Kittredge,

Messrs. Knight,
Leake,
Letcher,
Mandeville,
Meredith,
McMeans,
Myres,
Reading,
Robinson,
Rogers,
Smith—22.

Those who voted against striking out were—

Messrs. Bell,
Bostwick,
Brush,
Carhart,
Conness,
Cardozo,
Crenshaw,
Ewing,
Gardner,
Garfield,
Heydenfeldt,
Irwin,
Lee,
McCandless,
McFarland,
McGarry,

Messrs. Moore,
Oliver,
Owen,
Pacheco,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—31.

So the House refused to strike out.

Mr. Thomas demanded the previous question.

The Speaker stated the question, "Shall the main question be now put?"

The House decided in the affirmative.

The bill was then read a third time.

Mr. Johnson then moved to refer the bill to Committee on Public Buildings and Grounds, with special instructions.

The Speaker decided the motion to be out of order, from which decision Mr. Johnson appealed.

The Speaker put the question, Shall the decision of the Chair be the judgment of the House?

The House sustained the Chair.

The bill then came up upon its final passage, and Mr. Wing demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,
 Carhart,
 Conness,
 Cardozo,
 Crenshaw,
 Ewing,
 Flower,
 Gardner,
 Garfield,
 Heydenfeldt,
 Irwin,
 Lee,
 McFarland,

Messrs. McGarry,
 Moore,
 Oliver,
 Owen,
 Redding,
 Sime,
 Snyder,
 Taylor,
 Thomas,
 Van Dyke,
 Wells,
 Wilson,
 Wing,
 Yeiser,
 Speaker—31.

Those who voted against the bill were—

Messrs. Cabaniss,
 Canney,
 Covarrubias,
 Estep,
 Hally,
 Harrison,
 Herbert,
 Hoff,
 Johnson,
 Kittredge,
 Knight,
 Leake,

Messrs. Letcher,
 Mandeville,
 Meredith,
 McCandless,
 McMeans,
 Myres,
 Pacheco,
 Reading,
 Robinson,
 Rogers,
 Smith—23.

So the bill passed.

Mr. Johnson offered a substitute for the title of the bill.

The Speaker decided the substitute out of order, from which decision Mr. Johnson appealed.

The Speaker put the question, Shall the decision of the Chair be the judgment of the House? and Mr. Robinson demanded the ayes and nays.

Those who sustained the Chair were—

Messrs. Bell,
 Bostwick,
 Brush,
 Conness,
 Cardozo,
 Covarrubias,
 Crenshaw,

Messrs. McFarland,
 McGarry,
 Moore,
 Oliver,
 Owen,
 Redding,
 Rogers,

Messrs. Ewing,
Flower,
Gardner,
Garfield,
Hally,
Heydenfeldt,
Irwin,
Kittredge,
Leake,

Messrs. Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wing,
Yeiser—31.

Those who opposed the decision of the Chair were—

Messrs. Blake,
Cabaniss,
Canney,
Estep,
Harrison,
Herbert,
Hoff,
Johnson,
Knight,
Letcher,

Messrs. Mandeville,
Meredith,
McCandless,
McMeans,
Myres,
Pacheco,
Reading,
Robinson,
Smith—19.

So the decision of the Chair was sustained.

The question was then put, shall the title of the bill stand?
Upon which Mr. Myres demanded the ayes and nays.

Those who were in favor of the title of the bill were—

Messrs. Bell,
Bostwick,
Brush,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Flower,
Gardner,
Garfield,
Heydenfeldt,
Irwin,
Lee,
McFarland,

Messrs. McGarry,
Moore,
Oliver,
Owen,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—30.

Those who opposed the title were—

Messrs. Blake,
Cabaniss,
Canney,

Messrs. Letcher,
Mandeville,
Meredith,

Messrs. Estep,
Hally,
Harrison,
Herbert,
Hoff,
Johnson,
Kittredge,
Knight,

Messrs. McCandless,
McMeans,
Myres,
Pacheco,
Reading,
Robinson,
Rogers,
Smith—22.

So the House decided to let the title to the bill stand.

On motion of Mr. Wing, the Clerk was instructed to inform the Senate forthwith of the passage of the bill.

On motion, leave of absence was granted to Messrs. Tilghman and Carpentier for one day, and to Fairfax for ten days.

Mr. Myres offered the following: which was read and laid upon the table.

Resolved, the Senate concurring, that the Legislature do now adjourn, *sine die*.

Mr. Canney offered a concurrent resolution to adjourn, to meet at Benicia on the 11th inst.

Mr. Myres offered the following as a substitute:

Resolved, the Senate concurring, that when we adjourn, we adjourn to meet at the landing, opposite Martinez, on the day of the present month.

Mr. Crenshaw moved to lay the resolution offered by Mr. Myres on the table.

Agreed to.

The resolution offered by Mr. Canney was then adopted.

Mr. Cabaniss offered the following:

Whereas, The Constitution of this State declares that every law enacted by the Legislature shall embrace but one object, and,

Whereas, Two objects are embraced in the bill just passed, therefore be it

Resolved, That in the opinion of this House the bill just passed is unconstitutional.

Mr. Heydenfeldt moved to indefinitely postpone the resolution, upon which Mr. Myres demanded the ayes and nays, and,

On motion of Mr. Conness, the whole subject was laid upon the table.

On motion of Mr. Van Dyke, at half past 12 o'clock, the House took a recess until half past 2 o'clock.

Half past 2 o'clock, the House met pursuant to adjournment.

Mr. Heydenfeldt asked to be excused from serving on the Committee of Ways and Means.

He was excused.

The Speaker appointed Mr. Robinson in place of Mr. Heydenfeldt, on the Committee of Ways and Means.

Mr. Johnson offered the following, which was adopted :

Resolved, That two thousand copies of the Report of the State Comptroller be printed for the use of this House, provided there be no extra charge for composition.

Mr. Crenshaw offered the following, which was adopted :

Resolved, That the Speaker appoint a Committee of five members of this House to visit the city of San Francisco, and examine whether the extension of the city front of said city would materially injure the harbor thereof, and report to this House at an early day : *Provided*, said Committee shall receive no extra compensation for their services on such Commission.

Messrs. Crenshaw, Heydenfeldt, Thomas, Brush and Blake were appointed said Committee.

Mr. Bostwick made the following report :

The Joint Committee on Enrolled Bills report, that they have examined and found correctly enrolled, An Act to provide for the permanent location of the Seat of Government.

BOSTWICK, Chairman,

ROACH, Chairman Senate.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, yesterday, with an amendment, Assembly bill for An Act to repeal an Act entitled an Act to authorize the Funding of the Debt of the County of El Dorado, and to provide for the payment of the same, approved May 1st, 1852 ;

And a bill for An Act concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado County.

A. C. BRADFORD,
Secretary of the Senate.

4th February, 1853.

Senate bill, An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado County, read first and second time, and referred to Judiciary Committee.

The House concurred in the Senate amendment to Assembly bill for An Act to Fund the Debt of the County of El Dorado.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day concurred in Assembly resolution to adjourn to meet at the City of Benicia, on Friday, 11th day of February, at 12 o'clock ;

And that the Senate this day passed a Concurrent Resolution in reference to the removal of the Archives and property of State ;

And to return to the Assembly, Senate bill for An Act to prevent Monopolies that tend to produce famine.

A. C. BRADFORD,
Secretary of the Senate.

The House adopted the Senate Concurrent Resolution in reference to the Archives of State.

And the Clerk was instructed to notify the Senate of the same.

Mr. Johnson moved to take from the table a report from the Judiciary Committee, submitted some days since.

Agreed to.

Mr. Speaker:

The Judiciary Committee, to whom was referred An Act to repeal an Act creating the office of Superintendent of Public Buildings, beg leave to report the same back, with a recommendation that the minority report of the Committee on Public Buildings be adopted ;

Also, that they recommend the passage of An Act to amend the ninth section of an Act concerning Judges of the Plains, and defining their duty, passed April 25, 1851 ;

Also, that they have examined Senate bill entitled An Act to provide for the redemption of Lands sold for Taxes, and recommend the indefinite postponement of the same ;

Also, that they recommend the passage of An Act to repeal an act entitled an Act in relation to Actions wherein the State is a party, approved May 3d, 1852 ;

Also, that they have considered An Act to amend the fourth section of an Act concerning Divorces, and they beg leave to report it back without recommendation, and ask to be discharged from the further consideration of the same ;

Also that they have had under consideration the Annual Report of the Attorney-General, and the same containing subject matter of material importance, your committee beg leave to report it back, with the recommendation that two thousand copies be printed,

Also, that they have considered the petition of James Dorland and others, which they report back, recommending its reference to the Committee on Public Lands.

FRED. YEISER,
Chairman.

Mr. Meredith made the following majority report, which, together with a minority report, was referred to the Judiciary Committee, and returned with the above report from that committee.

The Committee on Public Buildings, to whom was referred Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings, and defining the duties of that officer, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

Respectfully submitted,

THOS. C. MEREDITH,
GEO. M. CARHARTT.

Mr. Sime made the following minority report :

Mr. Speaker :

The Committee on Public Buildings and Grounds, to whom was referred Senate bill entitled An Act to repeal an Act creating the office of Superintendent of Public Buildings, have had the same under consideration, and beg leave to report the same back, recommending its passage, with the following amendment : Strike out the third section.

All of which is respectfully submitted.

JOHN SIME.

The report of the minority was adopted.

The bill amended, read a third time, and passed.

Assembly bill, An Act to amend the ninth section of an Act concerning Judges of the Plains, and defining their duties, was read a third time, and, on motion of Mr. Robinson, was recommitted to the Judiciary Committee, with special instructions.

Mr. Bostwick made the following report :

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor for his approval, An Act for the permanent location of the Seat of Government.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Governor this day approved An Act to provide for the permanent location of the Seat of Government.

A. C. BRADFORD,
Secretary Senate.

On motion of Mr. Lee, at 5 o'clock, P. M., the House adjourned to meet at Benicia on the 11th day of this month, at 12 o'clock, noon.

HOUSE OF ASSEMBLY.

FRIDAY, February 11, 1853.

House met pursuant to adjournment.

On motion of Mr. McMeans, Mr. Wing was called to the chair, the Speaker being absent.

There being no quorum,

On motion of Mr. McMeans, the House adjourned until 10 o'clock, tomorrow.

HOUSE OF ASSEMBLY.

SATURDAY, February 12, 1853.

House met pursuant to adjournment.

The roll was called, and there being no quorum present,

On motion of Mr. McMeans, the House adjourned until 10 o'clock, on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, February 14, 1853.

The House met pursuant to adjournment.

Mr. Wing in the chair.

On motion, leave of absence was granted to Messrs. Bell, Flower, Martin, Cardozo, Heydenfeldt, Kittredge, Meredith, Tighlman, McCandless, McFarland, Sime, Letcher, Hunt, Lee, Canney, Gardner, Moore, Harrison, Irwin, Taylor, Wilson and Mr Speaker for one day.

Mr. Robinson moved a call of the House.

Which was sustained.

The roll was called, and the following members were absent:—Messrs. Carhart, Carpentier, Harrison, Knight, McGarry, Covarrubias and Pacheco, and those absent on leave.

The Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Oliver, further proceedings under the call were dispensed with.

There being no quorum present,

On motion of Mr. McMeans, at 11 o'clock, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, February 15, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Cabaniss, Carhart, Covarrubias, Harrison, Lee, Martin, McFarland, Smith, Walker, and Wilson.

The Journals of the 4th, 11th, 12th, and 14th instant were read and approved.

On motion, leave of absence was granted for two days each to Messrs. Carpentier, Walker, Harrison, Carhart, and Letcher; and one day each, to

Messrs. Cabaniss, Meredith, and Covarrubias, and the remainder of this week to Mr. Wilson.

Mr. Proctor, member from Siskiyou, appeared, was sworn by the Speaker, and took his seat.

A communication was received from Blanton M'Alpin, tendering his resignation as Clerk of this House.

Which was read and accepted.

Mr. Crenshaw moved that the House proceed to elect a Clerk.

Which was agreed to.

Mr. Gardner nominated James G. Stebbins.

Whole number of votes cast, 50 ; necessary to a choice, 26.

James G. Stebbins received	49 votes,
J. W. Scobey	1 vote.

Those who voted for Mr. Stebbins, were Messrs. Bell, Blake, Bostwick, Brush, Canney, Cardozo, Crenshaw, Estep, Ewing, Flower, Gardner, Garfield, Hally, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Leake, Martin, Mandeville, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Pacheco, Proctor, Reading, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Tighlman, Van Dyke, Wells, Wing, Yeiser, and Mr. Speaker.

Mr. Conness voted for Mr. Scobey.

Mr. Stebbins having received a majority of all the votes cast, was declared duly elected Clerk. He was then sworn by the Speaker, and entered upon the duties of the office.

Mr. Martin presented a petition from citizens of Humboldt Bay, praying this Legislature to create a new county out of certain territory belonging to the counties of Trinity and Klamath.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Blake presented a petition from the members of the Independent Order of Odd Fellows, and citizens of the city of San Francisco, setting forth that they and their associates are about to purchase a lot and erect a building thereon, for charitable purposes, and praying this Legislature to pass an Act relating to Corporations, to enable the petitioners and others to incorporate such associations.

Which was read and laid on the table.

Mr. Brush, from the majority of the Committee on Elections, submitted the following report. (Contested seat of Van Dyke and McMahon. See Appendix No. 15.)

Which was read, and on motion of Mr. Canney, made the special order for to-morrow at 12 o'clock.

Mr. Crenshaw, from the Committee on Claims, to whom was referred the account of the steamer S. B. Wheeler, for \$125, for freight on furniture, reported the same back with a bill for An Act for the relief of the steamer S. B. Wheeler, and recommended its passage.

The bill was read a first time and laid over.

Mr. Bostwick from the Joint Committee on Enrollment, reported as cor-

rectly enrolled An Act to repeal an Act entitled an Act to [authorize the Funding of the Debt of the county of El Dorado, and to provide for the payment of the same, approved May 1st, 1852.

The Speaker presented a communication from James W. Robinson, in relation to the contested seat of James W. Robinson *vs.* T. W. Tighlman, which was read; and, on motion of Mr. Johnson, laid on the table.

Mr. Kittredge submitted the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to number the desks; and that at 12 o'clock, M., to-morrow, the members proceed to draw for seats as their names are called in alphabetical order by the clerk.

Mr. Canney moved to lay the resolution upon the table.

Which was agreed to.

Mr. Heydenfeldt, on leave, introduced a bill for An Act to provide for the contingent expenses of the Supreme Court and State Officers.

Which was read a first time, and the rules suspended; it was then read a second time and referred to a select committee of three.

The Chair appointed Messrs. Heydenfeldt, McMeans and Crenshaw as such committee.

Mr. McMeans submitted the following resolution, which was adopted:

Whereas, Col. Blanton McAlpin, late chief Clerk of the Assembly, has communicated to this House his resignation of the same, that he might return to the Atlantic States, where business of a private and important nature requires his presence: *And whereas*, this House is desirous of tendering him a token of the high regard we individually and collectively cherish for him, as a worthy citizen and faithful and efficient public officer: Therefore,

Resolved, That the thanks of the Assembly are due to Col. Blanton McAlpin, for the prompt, faithful and satisfactory manner in which he has discharged the multifarious and arduous duties of chief Clerk of the House.

Mr. Redding submitted the following resolution:

Resolved, That a committee, to consist of one from each of the counties of Klamath, Siskiyou, Trinity, Shasta, Butte, Sierra, Yuba, Nevada, Placer, El Dorado, Tuolumne, Calaveras, Mariposa and Sacramento, be appointed to take into consideration and report as to the expediency of calling a Miners' State Convention.

Mr. Leake moved to amend by inserting San Joaquin, which was agreed to; and the resolution, as amended, was adopted.

The Chair appointed as such committee, Messrs. Redding of Yuba, Wells, Canney, Estep, Knight, Oliver, Hoff, Herbert, Wing, Moore, Gardner, Cabiness, Proctor, Reading of Trinity, and Van Dyke.

Mr. Herbert gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill to submit to the legally qualified voters of Cali-

fornia, at the next general election, the permanent location of the Capital of this State.

Mr. Blake gave notice that he would, on to-morrow, or some future day, introduce a bill for the incorporation of a charitable institution, known as Odd Fellows' Hall, to be located in the city of San Francisco.

A message was received from the Senate, informing the Assembly that they did, on the 4th instant, pass Assembly bill for An Act to authorize the Funding of the Debt of the county of Tuolumne, and to provide for the payment of the same, with an amendment.

Also, a Joint Resolution to grant four months' leave of absence to Delos Lake, Judge of the Fourth Judicial District.

And that they passed, on yesterday, a Concurrent Resolution requesting the Governor to confer upon Capt. John A. Sutter the rank of Major General.

The amendment of the Senate to the bill for An Act to authorize the Funding of the Debt of the county of Tuolumne, and to provide for the payment of the same, was then taken up and concurred in.

Senate Joint Resolution to grant four months' leave of absence to Delos Lake, Judge of Fourth Judicial District, was then taken up, read a first time, and laid over under the rule.

Senate Resolution, requesting the Governor to confer upon Capt. John A. Sutter the rank of Major General, was then taken up, read and adopted.

Mr. McMeans submitted the following resolution, which was read and adopted :

Resolved, That the Comptroller of State is hereby requested to furnish to the Assembly a statement of the whole amount of money paid to Hospitals since the first day of January last ; also, the whole amount of revenue paid into the State Treasury during the same period.

Mr. Wing submitted the following resolution, which was read and adopted.

Resolved, That the Committee on Mines and Mining Interests be, and are hereby instructed to report, during the present week, on a bill for An Act to revise the Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, approved May 4, 1852 ; also, on several bills amendatory of the above named Act, all of which have been referred to said committee, or a substitute for the same.

On motion of Mr. Canney, leave of absence was granted to Mr. McCandless for three days.

The petition of James Dorland, and eighty-one others, citizens of Solano county praying for relief, was taken up, and referred to the Committee on Public Lands.

Assembly bill for An Act to repeal an Act entitled an Act in relation to Actions wherein the State is party, approved May 3, 1852, was taken up, read a third time,

And on the question " Shall the bill pass ?" the ayes and nays were demanded by Messrs. Redding and Canney, and the House refused to pass the bill by the following vote :

AYES.

Messrs. Ewing,
Flower,
Gardner,
Hoff,
Kittredge,
Leake,
Mandeville,
Meredith,

Messrs. McMeans,
Oliver,
Owen,
Sime,
Snyder,
Van Dyke,
Wells,
Wing—16.

NAYS.

Messrs. Blake,
Brush,
Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Garfield,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,

Messrs. Johnson,
Knight,
Lee,
Martin,
McFarland,
Myres,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Taylor,
Thomas,
Speaker—28.

So the house refused to pass the bill.

Mr. Heydenfelt gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

Senate bill for An Act to provide for the Redemption of Lands sold for Taxes, was taken up and indefinitely postponed.

Assembly bill for An Act to abolish Special Terms of the Supreme, District and County Courts of this State, was taken from the table, read a second time, and,

On motion of Mr. Flower, referred to the Judiciary Committee, with instructions to report the same back on to-morrow.

Senate Joint Resolution to grant four months' leave of absence to Delos Lake, Judge of Fourth Judicial District, was then taken up and read a second time.

Mr. Conness moved that the resolution be indefinitely postponed.

Mr. Canney moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:—
Messrs. Bell, Irwin, Pacheco, Smith, Van Dyke and Yeiser.

On motion, Mr. Irwin was excused from the action of the call.

Messrs. Yeiser and Van Dyke appeared at the bar of the House, and were admitted to their seats.

Mr. Mandeville moved to dispense with further proceedings under the call. Which was not agreed to.

Mr. Bell appeared and was admitted within the bar, and took his seat.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

The question then recurring on the indefinite postponement of the resolution.

The ayes and nays were demanded by Messrs. Mandeville and Conness, and the House refused to indefinitely postpone by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Conness,
Crenshaw,
Estep,
Hoff,
Kittredge,
Mandeville,
Meredith,
McFarland,

Messrs. McMeans,
Moore,
Oliver,
Redding,
Rogers,
Snyder,
Thomas,
Van Dyke,
Wells,
Wing,
Speaker—23.

NAYS.

Messrs. Canney,
Cardozo,
Ewing,
Fairfax,
Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Irwin,
Johnson,
Knight,
Lee,

Messrs. Leake,
Martin,
McGarry,
Myres,
Owen,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Tighlman,
Yeiser—26.

So the House refused to indefinitely postpone.

The following message and communications were received from the Governor :

EXECUTIVE DEPARTMENT,
Benicia, February 15, 1853. }

To the Senate and Assembly :

I have the honor to transmit herewith copies of the correspondence with Gen. M. G. Vallejo, in accordance with the Joint Resolution of February 4th, 1853.

JOHN BIGLER.

[COPY.]

EXECUTIVE DEPARTMENT,
City of Vallejo, Cal., Feb. 4, 1853. }

M. G. VALLEJO,

Sir :

By a concurrent resolution of the Legislature, I am directed to demand and receive from you all moneys that may be now due, or hereafter become due the State from you, under your proposition to pay to the State certain sums of money for specific objects, or for any other purpose, submitted to the Legislature of this State at its first session, and presented in the Senate April the 3d, 1850, in the form of a memorial of yourself and others relative to the permanent seat of Government, subsequently acted on in both houses, and formally accepted in the passage of a law approved February 4th, 1851, entitled "An Act for the permanent location of the seat of Government."

In pursuance of said resolution (a copy of which is herewith transmitted) I hereby demand of and from you, on the part of the State, the payment of the following amounts, according to the terms and stipulations of a bond executed by you to the Governor of the State, on the 3d day of April, A. D. 1850, to wit :—

1st. For building State Capitol,	-	-	\$125,000
2d. For furnishing State Capitol,	-	-	10,000
3d. For building Governor's House,	-	-	10,000
4th. For furnishing Governor's House,	-	-	5,000
5th. For State Library and Translator's Office,	-	-	5,000
6th. For State Library,	-	-	5,000
7th. Building Offices of Secretary of State, Comptroller, Attorney-General, Surveyor-General, and Treasurer, should the Commissioners deem it proper to separate them from the State House,	-	-	20,000
8th. Building Orphan Asylum,	-	-	20,000
9th. Building Female Charity Hospital,	-	-	20,000
10th. Building Male Charity Hospital,	-	-	20,000
11th. Building Asylum for the Blind,	-	-	20,000

12th. Building Deaf and Dumb Asylum,	20,000
13th. Building State University,	20,000
14th. For University Library,	5,000
15th. For Scientific Apparatus therefor,	5,000
16th. For Chemical Laboratory,	3,000
17th. For Mineral Cabinet,	3,000
18th. Building Common School Edifices,	10,000
19th. Purchasing Books for the same,	1,000
20th. Building Lunatic Asylum,	20,000
21st. State Penitentiary,	20,000
22d. State Botanical Collection,	13,000
	<hr/>
	\$370,000

You will please advise me without delay of your intention in relation to this matter, and whether you are prepared to make the payments as above specified, and according to the stipulations and agreements in your said bond.

I have the honor to be,

Your obedient servant,

JOHN BIGLER.

[COPY.]

SONOMA, February 4th, 1853.

To his Excellency

JOHN BIGLER,

Sir—

I have the honor to acknowledge the receipt of your communication enclosing a concurrent resolution of the Legislature, directing you to demand from me the payment of the sum of three hundred and seventy thousand dollars. In a recent communication addressed to your Excellency, as well as in others addressed to the Legislature at its last session, I petitioned to be released from my bond to the State; and it is still my desire that this bond and the contract between the State and myself be canceled. Before replying to your demand for the payment of the several sums of money specified in your letter, I must beg the indulgence of time to confer with my legal advisers before I can inform you fully of my intentions in the premises.

I have the honor to be, sir,

Your obedient servant,

M. G. VALLEJO.

The following communication from the Treasurer of State was received and read:

STATE TREASURER'S OFFICE,
Benicia, February 15, 1853. }

To the Hon. ISAAC B. WALL,
Speaker of the Assembly:

SIR—

In reply to a resolution of your Honorable body of the 3d instant, requiring me "to inform this House whether there are any moneys in the State Treasury provided to meet the contingent expense of the Assembly," I have to state that there is none in the Treasury which can be applied to that purpose.

Respectfully,
Your ob't serv't,
RICHARD ROMAN,
State Treasurer.

Assembly bill for An Act to amend an Act concerning Roads and Highways, was taken up and read a second time.

Senate bill for An Act to fix the compensation of all County Judges, where not otherwise provided for, and the Associate Justices of the Courts of Sessions, and to repeal so much of a like Act, passed April 22d, 1850, as relates to the county of Monterey, was taken up, read a second time, and referred to the Judiciary Committee.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, February 16, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—Messrs. Crenshaw, Heydenfeldt, Irwin, Lee, Letcher, McGarry, Reading, Redding, Smith, and Tighlman.

The Journal of Tuesday last was read, and approved.

On motion, leave of absence was granted for one day to Messrs. McGarry and Tighlman.

Mr. Brush, from the Committee on Elections, submitted the following report. (Contested seat of McCandless and Hastings. See Appendix No. 17.)

Which was read, and, on motion, laid on the table, and made the special order for to-morrow at 12 o'clock, M.

Mr. Flower, from the minority of the Committee on Elections, submitted the following report. (Contested seat of Van Dyke and McMahon. See Appendix No. 16.)

Which was read, and laid on the table.

On motion of Mr. Gardner, the Chairman of the Committee on Mines and Mining Interests was empowered to employ a clerk.

Mr. Bostwick, from the Joint Committee on Enrollment, reported that they had this day presented to the Governor for his approval, An Act to repeal an Act entitled an Act to authorize the funding of the debt of the county of El Dorado, and to provide for the payment of the same," approved May 1, 1852.

Mr. Knight submitted the following resolution, which was read and adopted:

Resolved, That the Clerk be requested to procure from the Senate a copy of the report of the Treasurer of the Stockton State Hospital, for the use of this House.

Assembly bill for An Act for the relief of the steamer S. B. Wheeler, was taken up and read a second time, when,

On motion of Mr. Crenshaw, the House went into committee of the whole on the bill, (Mr. Johnson in the chair,) and having considered the same, rose and reported it back without amendment, and recommended its passage.

The bill was then read a third time, and passed.

A message was received from the Governor, informing the Assembly that he had this day approved An Act to repeal an Act entitled an Act to authorize the funding of the debt of the county of El Dorado, and to provide for the payment of the same, approved May 1, 1852.

* Senate Joint Resolution to grant four months' leave of absence to Delos Lake, Judge of Fourth Judicial District, was then taken up, read a third time, and on the question, "Shall the resolution pass?"

The ayes and nays were demanded by Mr. Brush, and the resolution was passed by the following vote:

AYES.

Messrs. Blake,
Brush,
Cabaniss,
Canney,
Carhart
Carpentier,
Cardozo,
Covarrubias,

Messrs. Knight,
Leake,
Martin,
McMeans,
Moore,
Myres,
Owen,
Pacheco,

Messrs. Estep,
Fairfax,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Johnson,

Messrs. Proctor,
Reading,
Robinson,
Sime,
Taylor,
Wing,
Yeiser—31.

NAYS.

Messrs. Bell,
Bostwick,
Conness,
Ewing,
Garfield,
Hoff,
Hunt,
Irwin,
Kittredge,
Mandeville,
Meredith,

Messrs. McFarland,
Oliver,
Redding,
Rogers,
Snyder,
Thomas,
Van Dyke,
Walker,
Wells,
Speaker—21.

Mr. Johnson moved a reconsideration of the vote just taken.

Mr. Conness moved to lay the motion to reconsider on the table.

On which the ayes and nays were demanded by Messrs. Johnson and Conness, and it was decided in the negative by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Carpentier,
Conness,
Ewing,
Garfield,
Hoff,

Messrs. Irwin,
Kittredge,
Mandeville,
Meredith,
McFarland,
Redding,
Rogers,
Speaker—17.

NAYS.

Messrs. Brush,
Canney,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Estep,

Messrs. Martin,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,

Messrs. Fairfax,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Knight,
Leake,

Messrs. Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Tighlman,
Walker,
Wells,
Wing—38.

Mr. Heydenfeldt moved to indefinitely postpone the motion to reconsider.
On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Carhart,
Cardozo,
Covarrubias,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,

Messrs. Knight,
Leake,
Martin,
McMeans,
Moore,
Myres,
Owen,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Wing—28.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carpentier,
Conness,
Crenshaw,
Ewing,
Fairfax,
Hoff,
Irwin,
Kittredge,

Messrs. Mandeville,
Meredith,
McFarland,
Oliver,
Redding,
Rogers,
Snyder,
Thomas,
Van Dyke,
Walker,
Wells,
Speaker—24.

Mr. Conness submitted the following resolution, which was read:

Resolved, (the Senate concurring), That the entire Judicial Department of this State have, and are hereby granted an indefinite leave of absence.

Mr. Carpentier submitted, as a substitute, a Joint Resolution granting leave of absence to the Judges of the State of California.

Mr. Wing moved to lay the resolution and substitute on the table.

Which was agreed to.

Mr. McMeans introduced a bill for An Act to repeal the first section of an Act entitled an Act concerning the salary of the District Attorney of San Francisco county.

Which was read a first time, and the rules suspended; it was then read a second time, and referred to the Judiciary Committee.

Mr. McMeans introduced a bill for An Act amendatory of an Act entitled an Act concerning passengers arriving in the Ports of California, approved May 3, 1852.

Which was read a first time, the rules suspended: it was then read a second time, referred to the Committee on Ways and Means, and two hundred and forty copies ordered printed.

Mr. McMeans introduced a bill for An Act to provide for the Indigent Sick.

Which was read a first time, and two hundred and forty copies ordered printed.

Mr. Wing submitted the following resolution, which was read and adopted:

Resolved, That the Attorney General be, and is hereby requested to inform this body, as soon as practicable, whether the San Francisco Beach and Water Lots, conveyed to the city of San Francisco, by the Legislature of 1851, in an Act entitled An Act to provide for the disposition of certain Property of the State of California, passed March 26th, 1851, have yet been disposed of, and if so, whether any or all of the twenty-five per cent. of the proceeds of the sale of the above named Beach and Water Lots due the State by the provisions of the aforesaid "Act" have been paid over to the credit of the State.

Mr. Kittredge introduced a bill for An Act for the punishment of the crime of Adultery and Polygamy.

Which was read a first time and laid over.

Mr. Myres introduced the following resolution, which was read:

Resolved, That that part of the Committee on Mines and Mining Interests, who sometime since asked for and obtained leave to confer with the Chinese at San Francisco, be requested to report to this House at an early day.

Mr. Redding of Yuba, submitted the following as a substitute, which was read and adopted:

Resolved, That the Committee on Mines and Mining Interests be requested to report to the House such information as they may have in relation to the Chinese population of this State.

Mr. Wing introduced a bill for An Act to repeal an Act entitled an Act to create a Board of Supervisors for the counties of this State and to define their duties and powers, so far as applies to the county of El Dorado.

Which was read a first time and laid over under the rules.

Mr. Hally requested to be excused from serving on the committee of thirteen on the revision of the Constitution, which was granted; and the Chair appointed Mr. Reading to fill the vacancy.

On motion of Mr. Crenshaw, the matter of the contested seat of McMahon *vs.* Van Dyke made the special order of this day at 12, M., was taken up, and the contestant and the counsel of the parties were invited to take seats within the bar of the House during the consideration of the matter.

When Mr. McMahon, with Mr. Pittser, his counsel, appeared and took seats.

Mr. Garfield submitted the following resolution, which was read :

Whereas, Walter Van Dyke, the sitting member from Klamath county, has reason to believe that he can now adduce other and important testimony bearing upon the merits of the controversy between himself and James McMahon, contestant, which he has not been able, heretofore, to procure : therefore,

Resolved, That the whole matter of controversy between the said parties be recommitted to the Committee on Elections, with instructions to receive whatever new testimony may be offered by the parties, and report anew to this House.

Mr. Leake moved a call of the House.

Which was not sustained.

The question recurring on the adoption of the resolution, the ayes and nays were demanded by Mr. Blake, and it was decided in the negative by the following tie vote :

AYES.

Messrs. Cabaniss,
Carhart,
Carpentier,
Conness,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Hunt,
Knight,

Messrs. Martin,
Owen,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Wells,
Wing,
Speaker—25.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Cardozo,
Crenshaw,
Gardner,
Herbert,
Hoff,
Irwin,
Johnson,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McFarland,
McMeans,
Moore,
Oliver,
Redding,
Rogers,
Tighlman,
Walker,
Yeiser—25.

Mr. Redding moved a reconsideration of the vote just taken.

Mr. Canney moved a call of the House, which was sustained; and,

On the roll being called, the following members were absent:—Messrs. Fairfax, Smith and Thomas.

Messrs. Thomas and Fairfax appeared and took their seats; when,

On motion of Mr. Gardner, further proceedings under the call were dispensed with.

The question then recurring on reconsidering the vote on the resolution, the ayes and nays were demanded by Mr. Canney, and resulted as follows:

AYES.

Messrs. Cabaniss,
Carhart,
Carpentier,
Conness,
Estep,
Flower,
Garfield,
Harrison,
Heydenfeldt,
Hunt,
Knight,
Martin,
Owen,

Messrs. Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Taylor,
Walker,
Wells,
Wing,
Speaker—25.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Cardozo,

Messrs. Johnson,
Kittredge,
Leake,
Meredith,
McFarland,
McMeans,

Messrs. Covarrubias,
Crenshaw,
Fairfax,
Gardner,
Hally,
Herbert,
Hoff,
Irwin,

Messrs. Moore,
Myres,
Oliver,
Rogers,
Thomas,
Tighlman,
Wilson,
Yeiser—28.

So the House refused to reconsider.

On motion of Mr. Canney, the House took a recess until 4 o'clock, P. M.

4 O'clock, P. M.

House re-assembled, and,

On motion of Mr. Canney, resolved itself into committee of the whole, Mr. Robinson in the chair, on the special order of the day, the contested case of *McMahon vs. Van Dyke*:

After a consideration of the subject, the committee rose, reported it back, and were discharged.

Mr. Canney moved a reconsideration of the vote which rejected a bill for An Act in relation to Actions in which the State is a party.

Which was agreed to.

The bill was then, on motion of Mr. Heydenfeldt, laid upon the table.

The House, on motion of Mr. Blake, at half past 5, P. M., took a recess until half past 7, P. M.

7½ O'clock, P. M.

House re-assembled.

Mr. Crenshaw moved the adoption of the majority report of the Committee on Elections, upon the contested case of *McMahon vs. Van Dyke*.

Mr. Canney moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:—Messrs. Gardner and Heydenfeldt, who immediately appeared and took their seats.

On motion of Mr. Blake, further proceedings under the call were dispensed with.

The question then recurring on the adoption of the majority report of the Committee on Elections in the case of contest between *McMahon vs. Van Dyke*.

On which the ayes and nays were demanded by Mr. Hoff, and resulted as follows:

AYES.

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,
 Canney,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Fairfax,
 Gardner,
 Herbert,
 Hoff,
 Irwin,
 Kittredge,
 Lee,
 Leake,
 Mandeville,

Messrs. Meredith,
 McFarland,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Owen,
 Rogers,
 Snyder,
 Smith,
 Thomas,
 Tilghman,
 Wells,
 Wing,
 Yeiser,
 Speaker—33.

NAYS.

Messrs. Cabaniss,
 Carhart,
 Carpentier,
 Conness,
 Estep,
 Ewing,
 Flower,
 Garfield,
 Hally,
 Harrison,
 Heydenfeldt,
 Hunt,

Messrs. Johnson,
 Knight,
 Letcher,
 Martin,
 McGarry,
 Pacheco,
 Proctor,
 Redding,
 Robinson,
 Sime,
 Taylor,
 Walker—24.

So the report was adopted.

The question then recurring on the adoption of the resolution annexed to the majority report.

On which the ayes and nays were demanded and resulted as follows :

AYES.

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,
 Canney,
 Cardozo,

Messrs. Meredith,
 McFarland,
 McMeans,
 Moore,
 Myres,
 Oliver,

Messrs. Covarrubias,
Crenshaw,
Fairfax,
Gardner,
Herbert,
Hoff,
Irwin,
Kittredge,
Lee,
Leake,
Mandeville,

Messrs. Owen,
Rogers,
Snyder,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser,
Speaker—33.

NAYS.

Messrs. Cabaniss,
Carhart,
Carpentier,
Conness,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Hunt,

Messrs. Johnson,
Knight,
Letcher,
Martin,
McGarry,
Pacheco,
Proctor,
Redding,
Robinson,
Sime,
Taylor,
Walker—24.

So the resolution was adopted, and the seat of Mr. Van Dyke was declared vacant, and that James McMahon was entitled to the same.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, Feb. 17, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called and the following members were absent : Messrs. Carhart, Ewing, Knight, Proctor, Reading, Redding, Rogers and Smith.

On motion, leave of absence for two days was granted to Messrs. Covarrubias and Redding of Yuba.

On motion of Mr. Oliver, Mr. McMahon came forward, was sworn by the Speaker, and took his seat as a member of this House.

Mr. Fairfax presented the petition of citizens of Yuba county, praying for the passage of a law exempting firemen from a certain amount of taxation and jury duty.

Which was read and referred to the Judiciary Committee.

Mr. Flower presented the petition of Orrin Bailey, praying for relief.

Which was read and referred to the Committee on Claims.

Mr. Yeiser, from the Judiciary Committee, submitted the following report, which was read :

Mr. Speaker :

The Judiciary Committee have had under consideration Senate bill entitled An Act to fix the compensation of all County Judges, where not otherwise provided for, and the Associate Justices of the Courts of Sessions, and to repeal so much of a like Act, passed April 22, 1850, as relates to the county of Monterey ; and recommend that the same do not pass.

Also, they have examined Senate bill entitled An Act to prevent Monopolies that tend to produce Famine.

Which they report back without recommendation, and ask to be discharged from the further consideration of the same.

Also, they report back An Act to amend the 9th section of an Act concerning Judges of the Plains, and defining their duties, passed April 25, 1851 ; and recommend that the bill be passed without amendment.

Your Committee are of opinion that this Act is in proper form, and that it is only necessary in amending a section of an Act to re-enact a section as amended, not to recite the original section.

The Committee have had under consideration An Act to provide for the removal, in certain cases, of Criminal Prosecutions from the Courts of Sessions to the District Courts, and recommend the passage of the same.

Also, that they have considered An Act to abolish Special Terms of the Supreme, District and County Courts of this State.

Which they report back, recommending the passage of the accompanying substitute.

FREDERICK YEISER,
Chairman.

Senate bill for An Act to fix the compensation of all County Judges, when not otherwise provided for, and Associate Justices of the Court of Sessions, and to repeal so much of a like Act, passed April 22, 1850, as relates to the county of Monterey, was then taken up, read a third time, and on the question of its final passage was lost.

Senate bill for An Act to prevent Monopolies that tend to produce Famine, was then taken up and referred to the committee of the whole, and made the special order for to-morrow at 12 o'clock, M.

Assembly bill for An Act to amend the ninth section of an Act concerning Judges of the Plains, and defining their duties, passed April 25, 1851, was then taken up and considered engrossed for a third reading.

Assembly bill for An Act to provide for the removal, in certain cases, of criminal prosecutions from the Courts of Sessions to the District Courts, was taken up and laid over.

Assembly bill for An Act to abolish special terms of the Supreme, District and County Courts of this State, and the substitute reported for the same by the Judiciary Committee, were then taken up and laid over until to-morrow.

The following message was received from the Senate and read:

Mr. Speaker :

I am directed to inform the Assembly that the Senate yesterday refused to concur in Assembly amendment to Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings;

And passed An Act in relation to certain contingent expenses of the Legislature;

And An Act to prevent the establishment of Pest Houses in any town or city in this State.

A. C. BRADFORD,
Secretary Senate.

February 16, 1853.

The House refused to recede from their amendment to Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings.

Mr. Heydenfeldt moved that a committee of conference be appointed to confer with a like committee on the part of the Senate, on the disagreeing vote of the two Houses on the bill.

Which was agreed to.

And the Chair appointed as such committee, Messrs. Heydenfeldt, Moore and Fairfax.

Senate bill for An Act in relation to certain Contingent Expenses of the Legislature, was then read a first time, and laid on the table.

Senate bill for An Act to prevent the establishment of Pest Houses in

any town or city in this State, was then read a first time and laid over until to-morrow.

A communication was received from Beverley C. Saunders, asking for remuneration for damages sustained by him in fitting out the Steamer Quickstep, in the month of December, 1851, in accordance with a contract made with the Governor of this State, for the transportation of troops and munitions of war from San Francisco and San Diego and back, for the suppression of Indian hostilities.

Which was read, and, on motion of Mr. Heydenfeldt, referred to the Committee on Claims.

Assembly bill for An Act to repeal an act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, so far as it applies to the County of El Dorado, was read a second time, and referred to the Judiciary Committee.

Assembly bill for An Act for the Punishment of the crimes of Adultery and Polygamy, was read a second time, and referred to the Judiciary Committee.

Assembly bill for An Act to provide for the Indigent Sick, was read a second time, and referred to the Committee on State Hospitals.

Mr. McMeans, on leave, introduced a bill for An Act in relation to supplies of Fuel, and other contingent expenses of the Legislature.

Which was read a first and second time under a suspension of the rules.

On motion of Mr. McMeans, the House then went into committee of the whole on the bill, (Mr. Wing in the chair,) and having considered the same, rose and reported it back without amendment, and asked to be discharged from a further consideration of the matter.

Which was agreed to.

And the bill was then ordered engrossed for a third reading.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of the steamer S. B. Wheeler.

Mr. Owen gave notice that he would, at an early day, introduce bills of the following titles:

A bill for An Act to suppress Gambling;

A bill for An Act for a State Road, from the City of Benicia to the City of Sacramento;

A bill for An Act to prohibit Hogs and Sheep running at large in the farming settlements.

Mr. McFarland introduced a bill for An Act to define the jurisdiction of the District Court of the First Judicial District.

Which was read a first time, and the rules suspended. It was then read a second time, and,

On motion of Mr. Thomas, referred to the Judiciary Committee.

Mr. Snyder gave notice that he would, on to-morrow, introduce a bill to provide for the Measurement of Goods.

Mr. Heydenfeldt submitted the following report, which was read:

Mr. Speaker:

The select committee to whom was referred An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, have had the same under consideration, and have visited the State offices as in-

structed by the House. Your committee find them in very bad condition, and the Archives of State almost entirely exposed to destruction from the want of proper furniture. The bill is therefore returned with the recommendation that it be passed.

Respectfully submitted,

E. HEYDENFELDT, Chairman.
JNO. T. CRENSHAW,
S. A. McMEANS.

On motion of Mr. McMeans, the House went into committee of the whole, Mr. Canney in the chair, on the bill for An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, and having considered the same, reported it back without amendment, and recommended its passage.

The bill was then read a third time, and passed.

On motion of Mr. Canney, the House went into committee of the whole, (Mr. Robinson in the chair,) in the matter of the contested seat of Hastings vs. McCandless, made the special order for this day, at twelve o'clock, and having considered the same, rose and reported it back, and asked to be discharged from further consideration of the matter.

Which request was granted.

On motion of Mr. Gardner, the report of the Committee on Elections in relation to the above matter, was adopted.

Mr. Canney submitted the following resolution, which was read :

Resolved, That in the opinion of this House, A. G. McCandless is legally entitled to the seat now occupied by him as a member of the Assembly from Sutter County.

Mr. Garfield submitted the following as a substitute, which was read :

Resolved, That the seat occupied by A. G. McCandless in this House, is hereby declared vacant, preparatory to ordering a new election for Assemblyman in the County of Sutter.

Mr. Heydenfeldt moved to lay the substitute on the table.

Mr. Taylor moved a call of the House.

Which was sustained.

The roll was called, when, on motion of Mr. Wells, further proceedings under the call were dispensed with.

The question then recurring on laying the substitute on the table, the ayes and nays were demanded by Mr. Hoff, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,

Messrs. Lee,
Letcher,
Meredith,

Messrs. Brush,
 Cabaniss,
 Canney,
 Carhart,
 Carpentier,
 Conness,
 Cardozo,
 Crenshaw,
 Estep,
 Ewing,
 Fairfax,
 Flower,
 Gardner,
 Hally,
 Harrison,
 Herbert,
 Heydenfeldt,
 Hoff,
 Hunt,
 Irwin,
 Johnson,
 Kittredge,
 Knight,

Messrs. McFarland,
 McGarry,
 McMeans,
 McMahan,
 Moore,
 Myres,
 Oliver,
 Owen,
 Pacheco,
 Proctor,
 Reading,
 Robinson,
 Rogers,
 Snyder,
 Smith,
 Taylor,
 Thomas,
 Tilghman,
 Walker,
 Wells,
 Wing,
 Yeiser,
 Speaker—52.

NAYS.

Messrs. Garfield,
 Mandeville,

Messrs. Martin,
 Sime—4.

Mr. Garfield then submitted the following as a substitute to the original resolution :

Resolved, That the whole matter in controversy in the contested election between McCandless and Hastings, be recommitted to the Committee on Elections.

On the adoption of which, the ayes and nays were demanded by Mr. Hoff, and the House refused to adopt the resolution by the following vote :

AYES.

Messrs. Blake,
 Estep,
 Fairfax,
 Garfield,
 Hoff,
 Irwin,
 Letcher,
 Mandeville,

Messrs. Martin,
 Owen,
 Taylor,
 Thomas,
 Wells,
 Wing,
 Yeiser—15.

NAYS.

Messrs. Bell,
 Bostwick,
 Brush,
 Cabaniss,
 Canney,
 Carhart,
 Carpentier,
 Conness,
 Cardozo,
 Crenshaw,
 Ewing,
 Flower,
 Gardner,
 Hally,
 Harrison,
 Herbert,
 Heydenfeldt,
 Hunt,
 Johnson,
 Kittredge,
 Knight,

Messrs. Lee,
 Meredith,
 McFarland,
 McGarry,
 McMeans,
 McMahan,
 Moore,
 Myres,
 Oliver,
 Pacheco,
 Proctor,
 Reading,
 Robinson,
 Rogers,
 Sime,
 Snyder,
 Smith,
 Tilghman,
 Walker,
 Speaker—41.

The question then recurring on the adoption of the resolution submitted by Mr. Canney, declaring Mr. McCandless entitled to his seat.

On which, the ayes and nays were demanded, it was decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,
 Cabaniss,
 Canney,
 Carhart,
 Conness,
 Cardozo,
 Crenshaw,
 Ewing,
 Fairfax,
 Flower,
 Gardner,
 Hally,
 Harrison,
 Herbert,
 Heydenfeldt,
 Hunt,

Messrs. Martin,
 Meredith,
 McFarland,
 McGarry,
 McMeans,
 McMahan,
 Moore,
 Myres,
 Oliver,
 Owen,
 Pacheco,
 Proctor,
 Reading,
 Robinson,
 Rogers,
 Sime,
 Snyder,
 Smith,
 Taylor,

Messrs. Irwin,
Johnson,
Kittredge,
Knight,
Lee,
Letcher,

Messrs. Thomas,
Tilghman,
Walker,
Wells,
Yeiser,
Speaker—50.

NAYS.

Messrs. Estep,
Garfield,
Hoff,

Messrs. Mandeville,
Wing—5.

Mr. Blake submitted the following resolution, which was adopted :

Resolved, That E. O. F. Hastings be allowed his mileage and *per diem*, from the 3d of January, to 17th of February, 1853.

A message was received from the Governor transmitting a copy of a release executed by M. G. Vallejo, and approved by the Attorney-General of the State, in accordance with the requirements of An Act for the permanent location of the Seat of Government, approved Feb. 4th, 1853. (See Senate Appendix No. 25.)

Which was read and laid on the table.

Mr. Herbert introduced a bill for An Act to determine by the vote of the people the permanent location of the Seat of Government.

Which was read a first time, the rules being suspended, it was then read a second time and referred to the Committee on Public Buildings.

Mr. Fairfax introduced the following resolution which was adopted :

Resolved, That the regular hour of meeting of this House be changed from the present hour, (ten o'clock A. M.,) to the hour of eleven o'clock A. M.

Mr. Blake introduced a bill for An Act for the relief of Calvin Valpey.

Which was read a first time, and laid over under the rules.

Mr. Heydenfeldt submitted the following resolution, which was adopted:

Resolved, That the Chairman of the Committee on Public Buildings, be requested to obtain from the Commissioners on Public Buildings, the plans and specifications of State Prison, now in their possession, for the purpose of investigating a claim now before this House.

On motion the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, February 18, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were found absent: Messrs. Fairfax and McGarry.

On motion, Messrs. Fairfax and McGarry were granted leave of absence for one day.

The Journal of Wednesday last was read and approved.

Mr. Heydenfeldt presented the petition of S. C. Hastings, praying for relief, which was read and referred to the Judiciary Committee.

Mr. Blake presented the petition of citizens of the City of San Francisco, praying for the repeal of a law appointing Commissioners to fund the floating debt of San Francisco, which was read, and referred to the Committee on Corporations.

Mr. Mandeville presented the petition of Phebe W. Street and sixty-seven other ladies of Sonora, Tuolumne county, praying for the passage of a law for the better observance of the Sabbath.

Also, a petition of Samuel H. Smith and others, citizens of the same place, praying for the same object, which was read, and, on motion of Mr. Bostwick, referred to select committee of three.

The Chair appointed as such committee, Messrs. Bostwick, Mandeville, and Conness.

On motion of Mr. Oliver, Mr. Blake was added to the above Committee.

Mr. Hunt presented the petition of Powell Wever, praying for relief.

Which was read, and on motion of Mr. Crenshaw, referred to the Committee on Indian Affairs.

Mr. Yeiser submitted the following report, which was read:

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to amend the third section of an Act entitled an Act to regulate fees in office, passed May 1, 1851, and they recommend the passage of the same without amendment.

Also, that they have considered Senate bill entitled An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county, and recommend the passage of the same;

Also, they report back without recommendation An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed March 11, 1851, and to repeal An Act amendatory thereof, approved May 3, 1852.

Also, that they have considered An Act to repeal the first section of an Act entitled an Act concerning the salary of the District Attorney of San Francisco county, which they report back with a recommendation that the bill be indefinitely postponed.

FRED. YEISER,
Chairman.

February 18, 1853.

Assembly bill for An Act to amend the third section of an Act entitled an Act to regulate fees in office, passed May 1, 1851, was then taken up, and laid over.

Senate bill for An Act concerning the securities of the late John H. Phillips, deceased, Treasurer of El Dorado county, was taken up, and, on motion of Mr. McMeans, laid on the table.

Assembly bill for An Act to amend the eighty-seventh section of an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 11, 1851, and to repeal An Act amendatory thereof, approved May 3, 1852, was then taken up and laid over.

Assembly bill for An Act to repeal the first section of an Act concerning the salary of the District Attorney of San Francisco county, was then taken up, read a third time, and laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, submitted the following report:

Mr. Speaker :

The Committee on Engrossment have examined and found correctly engrossed the following bills, viz :

A bill entitled An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature.

An Act to amend the ninth section of an Act concerning the Judges of the Plains, and defining their duties, passed April 25th, 1851.

An Act to provide for the contingent expenses of the Supreme Court and State Officers.

An Act to regulate the business of the general and special terms of the Supreme and District Courts of this State, and the Superior Court of San Francisco.

CHAS. C. THOMAS,
Chairman Committee.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled a Joint Resolution granting leave of absence to Delos Lake.

Mr. Heydenfeldt submitted the following resolution, which was adopted :

Resolved, That the Secretary of State be requested to transmit to this House the unfinished business of the last session of the Assembly.

Mr. Johnson submitted the following resolution, which was read and adopted :

Resolved, That one thousand copies of the Report of the Trustees of the Sacramento State Hospital be printed for the use of the Assembly.

Mr. Carhart submitted a Concurrent Resolution authorizing the Secretary of State to purchase two hundred copies of the Statutes of eighteen hundred and fifty-two.

Which was read, and laid on the table.

Mr. Tilghman submitted a resolution authorizing the Chairman of the Committee on Missions and Mission Lands to employ a clerk for a certain period.

Which was read and adopted.

Mr. Herbert gave notice that he would, at an early day, introduce a bill for An Act to leave to the vote of the legal and qualified voters of Tulare, at the next general election, the permanent location of the county seat of said county.

Mr. Canney gave notice that he would, at an early day, introduce a bill providing for the sale at public auction of all right, title and interest of the State to certain property in the city of Benicia, now occupied by the Pacific Mail Steamship Company.

On motion of Mr. Leake, the House took up the bill for An Act to abolish special terms of the Supreme, District and County Courts of this State.

When Mr. Leake further moved the adoption of the substitute reported by the Judiciary Committee, entitled An Act to regulate the business of the general and special terms of the Supreme and District Courts of this State.

Which was agreed to ; and the House went into consideration of the substitute.

Mr. Flower moved to amend the second section by inserting, " and the Superior Court of the city of San Francisco."

Which was adopted.

The bill was then read a third time and passed.

And on the question, " Shall the title stand ?" Mr. Flower moved to add " and the Superior Court of the city of San Francisco."

Which was adopted ; and the title, as amended, agreed to.

On motion of Mr. Leake, the Clerk was instructed to report the bill immediately to the Senate.

Mr. Johnson introduced a bill for An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851.

Which was read a first and second time, and referred to the members from Sacramento.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had, this day, presented to the Governor for his approval, a Joint Resolution granting four months leave of absence to Delos Lake, Judge of the Fourth Judicial District.

And the report was adopted.

On motion of Mr. Johnson, the House went into committee of the whole, Mr. Heydenfeldt in the chair, on Senate bill for An Act to prevent Monopolies that tend to produce Famine, made the special order for this day, at 12 o'clock, and having considered the same, rose and reported the same back to the House, with the following amendments, recommending their passage, viz :

Sec. 6. Be it further enacted, that in case of the arrival of excessive supplies of the articles mentioned in this Act, and in consequence of such excess, the holders or owners of the same are unable to dispose of them at their actual cost in the Port of San Francisco, then the said holders or owners of such articles may tender the same to the State of California, through the Comptroller thereof, who shall receive the same at their full costs, to the time of such tender, and shall issue his warrants at their cash market value for the amount of the goods tendered: said warrants shall be paid out of the first moneys received into the Treasury, not otherwise appropriated.

Sec. 7. The Comptroller of State is hereby authorized to rent the building, situated at Vallejo, known as the capital building, (if the same can be done at a fair rate,) for the purpose of storing such goods as may be tendered under the provisions of this Act.

Sec. 8. All such articles of provisions that may be on hand, in said storage building, three days previous to the next election for Governor of this State, shall be distributed as the author of this bill may direct, free from any charge whatever.

Mr. Canney moved that the House take up the amendments of the committee by sections.

Which was agreed to.

Mr. Mandeville moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:—Messrs. Heydenfeldt, Leake, Moore and Tilghman, they severally appeared, were admitted within the bar of the House, excused, and took their seats.

On motion of Mr. Blake, further proceedings under the call were dispensed with.

The question then recurring on the adoption of "Sec. 6," of the amendments, the ayes and nays were demanded by Messrs. Mandeville and Oliver.

And the House refused to adopt by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Carhart,
Cardozo,
Flower,
Heydenfeldt,
Johnson,
Knight,
Letcher,

Messrs. Martin,
McCandless,
Proctor,
Reading,
Sime,
Snyder,
Taylor,
Walker—17.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carpentier,

Messrs. Leake,
Mandeville,
Meredith,
McFarland,
McMeans,

Messrs. Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Gardner,
Garfield,
Hally,
Harrison,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,

Messrs. McMahon,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Robinson,
Rogers,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Speaker—39.

“Sec. 7” of the amendments was then taken up and lost.

The remainder of the amendments were then taken up and lost; and pending further consideration of the bill,

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, February 19, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called, by the Clerk and the following members were absent :

Messrs. Heydenfeldt, Myres, Oliver, Reading, Smith, and Yeiser.

On motion, leave of absence was granted Mr. Carhart for two days.

The Journal of Friday last, was read and approved.

Mr. Wilson presented the petition of citizens of Tuolumne county, remonstrating against the passage of a law for the better observance of the Sabbath.

Which was read and referred to the select committee, to whom that subject had been referred.

Mr. Ewing presented the petition of L. A. Hilton, praying for relief.

Which was read and referred to the Committee on Claims.

Mr. Hunt presented the petition of Samuel Whiting, praying for relief.

Which was read and referred to the Committee on Indian Affairs.

Mr. Reading presented the petition of citizens of Trinity county, asking certain boundaries for a new county, if erected out of the counties of Trinity and Klamath.

Which was read and referred to the Committee on Counties and County Boundaries.

Mr. Cardozo submitted the following resolution :

Resolved, That the Committee on Indian Affairs be empowered to employ a clerk whose office shall expire when the Committee transmit their report to the House.

Adopted.

Mr. Hoff submitted a resolution tendering the thanks of this House to Messrs. Wells, Fargo & Co., for supplying the House with files of various newspapers.

Which was read and adopted.

Mr. Heydenfeldt introduced a bill for An Act to authorize the State Treasurer to issue a duplicate School Land Warrant.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Conness submitted the following resolution, which was read and adopted.

Resolved, That the Secretary of State be requested to communicate to this House the number of copies of the Statutes of 1852, that have been distributed to the several counties, and also the number of copies, if any, that are now in possession of the State Department.

Mr. Hally submitted the following resolution, which was adopted :

Resolved, That 480 copies of the annual report of the Trustees of the Stockton State Hospital be printed for the use of this House. (See Appendix No. 18.)

Mr. Bostwick, from the Committee on Enrolled Bills, reported as correctly enrolled, An Act to authorize the Funding of the Debt of the County of Tuolumne, and to provide for the payment of the same.

Mr. Crenshaw submitted a Joint Resolution relative to the Civil Fund.

Which was read a first and second time, and referred to the Committee on Federal Relations.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, yesterday, An Act to authorize a transfer of causes from the Superior Court of San Francisco ;

And Joint Resolution relative to Mail Routes in California ;

And transmit herewith, pursuant to request of the Assembly, the Annual Report of the Trustees of the Stockton State Hospital.

A. C. BRADFORD,
Secretary of the Senate.

18th February, 1853.

Senate bill for An Act to authorize a transfer of causes from the Superior Court of San Francisco, was then read a first and second time, and referred to the Judiciary Committee.

Senate Joint Resolution relative to Mail Routes in California, was then read a first and second time, and referred to the Committee on Federal Relations.

Mr. Myres submitted a resolution requesting the Judiciary Committee to report as to the expediency of Codifying certain Laws.

Which was read and adopted.

Mr. Blake introduced a bill for An Act to amend an Act relating to Corporations.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. Wing introduced a bill for An Act to authorize County Recorders to administer Oaths.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Canney submitted the following resolution, which was adopted :

Resolved, That the several State officers are hereby required to furnish to the committee of this House on Indian Affairs, any and all papers in their possession relative to Indian affairs, for the purpose of enabling said committee to correctly discharge the duties devolving on them.

Mr. Hoff moved that one additional member be added to the Judiciary Committee.

Which was agreed to.

The Chair appointed Mr. Snyder.

A communication was received from the Secretary of State transmitting the unfinished business of the last session of the Assembly.

Which was read and laid on the table.

On motion of Mr. Oliver, the bill for An Act to prevent Monopolies that tend to produce famine, was taken up, and made the special order for Saturday next, at 12 o'clock, M.

The bill for An Act for the relief of Calvin Valpey, was taken up, read a second time, and referred to the Committee on Claims.

Assembly bill for An Act to amend the ninth section of an Act concerning the Judges of the Plains, and defining their duties, passed April 25th, 1851, was taken up, read a third time and passed.

Assembly bill for An Act in relation to the supplies of Fuel, and other expenses of the Legislature, was then taken up, and on motion of Mr. Wing laid on the table.

Mr. Oliver introduced a bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Which was read a first and second time.

On motion of Mr. Wing, the House then went into committee of the whole on the bill, and having considered the same, rose and reported it back to the House without amendment, and recommended its passage.

Mr. Crenshaw moved to suspend the rules, and that the bill be now read a third time.

Mr. Canney objected to the third reading of the bill this day.

Mr. Oliver moved a call of the House.

Which was sustained.

And on the roll being called, the following members were absent :

Messrs. Gardner, Heydenfeldt, Leake, and Moore.

Messrs. Heydenfeldt, and Moore appeared and took their seats.

On motion of Mr. Heydenfeldt further proceedings under the call were dispensed with.

Mr. Taylor moved to amend the bill by striking out the words "five," where it occurs in the first section, and inserting the word "four."

On which the ayes and nays were demanded, and was decided in the negative by the following vote :

AYES.

Messrs. Blake,
Brush,
Cabaniss,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Fairfax,
Flower,
Harrison,

Messrs. Heydenfeldt,
Hunt,
Martin,
Pacheco,
Sime,
Snyder,
Taylor,
Thomas,
Wells,
Yeiser—20.

NAYS.

Messrs. Bostwick,
Canney,
Crenshaw,
Estep,
Ewing,
Gardner,
Hally,
Herbert,
Hoff,
Irwin,
Kittredge,
Lee,
Letcher,
Mandeville,
Meredith,
McCandless,

Messrs. McFarland,
McMeans,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Ptoctor,
Reading,
Rogers,
Smith,
Tilghman,
Walker,
Wilson,
Wing—31.

Mr. Wall moved to amend by striking out the first and second sections of the bill, and demanded the ayes and nays, and the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Fairfax,
Flower,
Harrison,
Heydenfeldt,
Martin,

Messrs. McFarland,
Myres,
Pacheco,
Sime,
Snyder,
Taylor,
Thomas,
Wells,
Speaker—19.

NAYS.

Messrs. Blake,
Bostwick,
Canney,
Cardozo,
Crenshaw,
Estep,
Ewing,
Gardner,
Hally,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Letcher,

Messrs. Mandeville,
Meredith,
McCandless,
McMeans,
McMahon,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Rogers,
Smith,
Tilghman,
Walker,
Wilson,
Wing—32.

The question then recurring on suspending the rules for a third reading of the bill,

On which the ayes and nays were demanded by Mr. Conness.

It was decided in the affirmative by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Cardozo,
Covarrubias,

Messrs. Lee,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McMeans,

Messrs. Crenshaw,
Estep,
Ewing,
Fairfax,
Gardner,
Hally,
Harrison,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,

Messrs. McMahon,
Moore,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Smith,
Tilghman,
Walker,
Wing—37.

NAYS.

Messrs. Carpentier,
Conness,
Flower,
Heydenfeldt,
Pacheco,
Rogers,

Messrs. Sime,
Snyder,
Taylor,
Thomas,
Wells,
Speaker—12.

The bill was then read a third time, and on the question "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bostwick,
Canney,
Cardozo,
Crenshaw,
Estep,
Ewing,
Gardner,
Hally,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Letcher,

Messrs. Mandeville,
Meredith,
McCandless,
McMeans,
McMahon,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Rogers,
Smith,
Walker,
Wing—29.

NAYS.

Messrs. Blake,
Brush,
Cabaniss,

Messrs. McFarland,
Myres,
Pacheco,

Messrs. Carpentier,	Messrs. Sime,
Conness,	Snyder,
Covarrubias,	Taylor,
Fairfax,	Thomas,
Flower,	Tilghman,
Harrison,	Wells,
Heydenfeldt,	Speaker—21.
Martin,	

On motion of Mr. Crenshaw, the Clerk was ordered to report the bill immediately to the Senate.

The following message from the Senate was received :

Mr. Speaker :

I am directed to inform the Assembly that the Senate passed, on the 17th inst., An Act to create an Historical Society for the State of California, as a substitute for Assembly Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations;

And passed yesterday An Act to order a Special Election in the county of Colusi;

And Assembly bill for An Act amendatory of an Act to authorize William Moody and Morgan Hart to build a Wharf in the county of Solano, passed May 3, 1852;

And An Act to prevent the use of false Stamps and Labels;

And passed this day a bill for An Act for the relief of W. Neil Walton.

A. C. BRADFORD,
Secretary Senate.

February 19, 1853.

Senate bill for An Act to create a Historical Society for the State of California, as a substitute for Assembly Joint Resolution on the same subject, was then read a first and second time and referred to the Committee on Education.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to authorize the Funding of the Debt of Tuolumne county, and to provide for the payment of the same.

Senate bill for An Act to authorize a Special Election in the county of Colusi, was read a first time and laid on the table.

Senate bill for An Act to prevent the use of false Stamps and Labels, was then read a first and second time and referred to the Judiciary Committee.

Senate bill for An Act for the relief of W. Neil Walton, was then read a first and second time and referred to the Committee on Claims.

A message was received from the Governor informing the Assembly that he had this day approved An Act to authorize the Funding the Debt of the county of Tuolumne, and to provide for the payment of the same.

Mr. Crenshaw gave notice that he would, on Wednesday next, or at an

early day thereafter, introduce a bill appointing a Commissioner, to perform certain acts in relation to the Pacific Railroad.

On motion of Mr. Wing, the bill for An Act to amend the third section of an act entitled an Act to regulate Fees in Office, passed May 1, 1851, was taken up, read a third time and passed.

Mr. McCandless gave notice that he would, at an early day, introduce a bill for the Maine Liquor Law.

Mr. Wells introduced a Joint Resolution instructing our Senators, and requesting our Representatives in Congress, in relation to the Donation of the Public Lands.

Which was read a first and second time, and referred to the Committee on Federal Relations.

Mr. Cabaniss submitted a Concurrent Resolution in relation to the Boundary Line between this State and Oregon.

Which was read, and, on motion of Mr. Cardozo, laid on the table.

Mr. Conness moved to adjourn until Monday, at 2 o'clock, P. M.

Mr. Heydenfeldt moved to amend by striking out "Monday," and inserting "Wednesday."

On which, the ayes and nays were demanded, and the House refused to strike out and insert, by the following vote:

AYES.

Messrs. Canney,	Messrs. Meredith,
Carpentier,	McMahon,
Cardozo,	Myres,
Crenshaw,	Pacheco,
Estep,	Proctor,
Herbert,	Reading,
Heydenfeldt,	Sime,
Hunt,	Smith,
Martin,	Taylor—18.

NAYS.

Messrs. Blake,	Messrs. Letcher,
Bostwick,	Mandeville,
Brush,	McCandless,
Cabaniss,	McFarland,
Conness,	McMeans,
Covarrubias,	Owen,
Flower,	Rogers,
Gardner,	Snyder,
Hally,	Thomas,
Harrison,	Wells,
Hoff,	Wilson,
Irwin,	Wing—25.
Kittredge,	

Mr. Pacheco moved a call of the House.

Which was sustained, and, on the roll being called, the following members were absent :

Messrs. Ewing, Fairfax, Knight, Lee, Leake, Moore, Oliver, Tilghman, Walker, Yeiser, and Mr. Speaker.

Messrs. Moore, Ewing, Oliver, Fairfax, Speaker, and Lee, appeared, and were admitted to take their seats.

Mr. Reading moved to adjourn until Wednesday, at 12 o'clock, M.

On which the ayes and nays were demanded, and were decided in the negative by the following vote :

AYES.

Messrs. Canney,
Carpentier,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Herbert,
Heydenfeldt,
Hunt,
Lee,
Martin,

Messrs. Meredith,
McMahon,
Myres,
Pacheco,
Proctor,
Reading,
Sime,
Smith,
Taylor,
Tilghman,
Wing—23.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Flower,
Gardner,
Hally,
Harrison,
Hoff,
Irwin,
Kittredge,
Letcher,

Messrs. Mandeville,
McCandless,
McFarland,
McMeans,
Moore,
Oliver,
Owen,
Rogers,
Snyder,
Thomas,
Wells,
Wilson,
Speaker—27.

Mr. Reading moved to adjourn until Wednesday, at 11 o'clock, A. M.

On which the ayes and nays were demanded, and decided in the negative by the following vote :

AYES.

Messrs. Blake,
Canney,
Carpentier,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Herbert,
Heydenfeldt,
Hunt,
Lee,
Martin,

Messrs. Meredith,
McMahon,
Myres,
Pacheco,
Proctor,
Reading,
Sime,
Smith,
Taylor,
Tilghman,
Wing—23.

NAYS.

Messrs. Bostwick,
Brush,
Conness,
Covarrubias,
Flower,
Gardner,
Hally,
Harrison,
Hoff,
Irwin,
Kittredge,
Letcher,

Messrs. Mandeville,
McCandless,
McMeans,
Moore,
Oliver,
Owen,
Rogers,
Snyder,
Thomas,
Wells,
Wilson,
Speaker—24.

Mr. Blake moved to adjourn.

On which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Conness,
Covarrubias,
Flower,
Gardner,
Hally,
Heydenfeldt,
Hoff,
Irwin,
Kittredge,
Lee,
Letcher,

Messrs. Mandeville,
McCandless,
McMeans,
Moore,
Oliver,
Owen,
Pacheco,
Rogers,
Snyder,
Thomas,
Wells,
Wilson,
Speaker—27.

NAYS.

Messrs. Canney,
Carpentier,
Orenshaw,
Fairfax,
Harrison,
Herbert,
Hunt,
Martin,
Meredith,

Messrs. McMahon,
Myres,
Reading,
Sime,
Smith,
Taylor,
Tilghman,
Wing—17.

So the House adjourned until Monday next, at 11 o'clock, A. M.

HOUSE OF ASSEMBLY.

MONDAY, February 21, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—Messrs. Blake, Carpentier, Cardozo, Ewing, Fairfax, Garfield, Hunt, Irwin, Johnson, Knight, Martin, Meredith, McMahon, Pacheco, Proctor, Reading, Robinson, Sime, Smith, Taylor, Tilghman and Wing.

The Journal of Saturday last was read and approved.

On motion, leave of absence was granted to Mr. Meredith for one day.

Leave of absence was also granted to Mr. Smith for one day.

Mr. McCandless moved that Mr. Proctor have leave of absence for one day.

Which was not agreed to.

Mr. Canney moved that no member be allowed to go without the bar without leave of the House.

The Speaker decided the motion to be out of order.

Mr. Canney appealed from the decision.

The question was then, "Shall the decision of the Chair stand as the opinion of this House?" and the decision was sustained.

Mr. Brush asked leave of absence for one day for Mr. McMahon.

Which was not granted.

Mr. Canney moved a call of the House, which was sustained; and,

On the roll being called, the following members were absent :—Messrs. Blake, Carpentier, Cardozo, Ewing, Fairfax, Hunt, Irwin, Johnson, Knight, Martin, McCandless, McMahon, Pacheco, Proctor, Reading, Robinson, Sime, Smith, Taylor, Tilghman and Wing.

On motion, further proceedings under the call were dispensed with.

Mr. Crenshaw, from the Committee on Claims, to whom was referred Assembly bill for An Act for the relief of E. J. Osborne, reported the same back with a substitute, and recommended its passage.

The House then adopted the substitute ; and,

On motion, went into committee of the whole, (Mr. Canney in the chair,) on the bill ; and having considered the same, rose, reported it back without amendment, and recommended its passage.

The bill was then read a third time and passed.

Mr. Conness submitted the following resolution, which was read :

Resolved, That hereafter the regular meeting of this House shall be 10 o'clock, A. M., until otherwise ordered.

Mr. Canney moved to lay the resolution on the table.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Brush,
Canney,
Covarrubias,
Crenshaw,
Estep,
Flower,
Gardner,
Harrison,
Herbert,

Messrs. Heydenfeldt,
Lee,
McMahon,
McMeans,
Moore,
Myres,
Rogers,
Wells,
Yeiser—18.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Hally,
Hoff,
Kittredge,
Letcher,
Mandeville,

Messrs. Oliver,
Owen,
Redding,
Snyder,
Thomas,
Walker,
Speaker—15.

Senate bill for An Act to prevent the establishment of Pest Houses in any town or city in this State, was then read a second time and referred to the Committee on Corporations.

Mr. Heydenfeldt submitted the following resolution :

Resolved, That when the House adjourn this day, it adjourn to meet at the usual hour on Wednesday next.

Which was adopted.

Assembly bill for An Act to provide for the removal, in certain cases of criminal prosecution, from the Courts of Sessions to the District Courts, was taken up, and, on motion of Mr. Conness, recommitted to the Judiciary Committee.

Assembly bill for An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 11th, 1851 ;

And to repeal An Act amendatory thereof, approved May 3d, 1852,

Was then taken up, and, on motion of Mr. Crenshaw, recommitted to the Judiciary Committee.

Mr. Snyder, agreeably to notice, introduced a bill for An Act to provide for the measurement of Goods.

Which was read a first and second time, and referred to the Committee on Commerce.

A communication was received from the Attorney General of this State, in answer to a resolution of this House requesting certain information of that officer in relation to the Beach and Water Property of San Francisco. (See Appendix No. 19.)

Which was read and laid on the table.

Mr. Herbert, agreeably to notice, introduced a bill for An Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the seat of justice of said county:

Which was read a first time, the rules suspended, it was then read a third time, and referred to the members from Mariposa and Tulare counties.

Mr. Oliver submitted the following resolution, which was read:

Resolved, That the Clerk of the Assembly be, and is hereby authorized to employ such additional assistance as may be necessary to transact the accumulating business of this House.

Mr. Wells submitted the following as a substitute:

Resolved, That when the Chief Clerk of the House is aware that any of the clerks employed by him are absent, and their services are needed, he be allowed to employ other or others in their place; and that the fees of office be not allowed to absent clerk during their absence. Further, that when all the clerks employed by the Chief Clerk are present, and others are needed, in consequence of the press of business, the Chief Clerk be allowed to employ others in addition.

Mr. Cabaniss submitted the following as a substitute:

Resolved, That the Chief Clerk be authorized to demand the services of any clerk or clerks of the several committees for at least three hours during the day, when the said committee clerk is not employed by committee business.

On motion of Mr. Brush, the whole matter was laid on the table.

On motion of Mr. Oliver, the House adjourned until Wednesday, at 11 o'clock, A. M.

HOUSE OF ASSEMBLY.

WEDNESDAY, February 23, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent without leave : Messrs. Bell, Canney, Carhart, Carpentier, Ewing, Fairfax, Flower, Gardner, Herbert, Heydenfeldt, Hoff, Irwin, Johnson, Knight, Lee, Leake, McCandless, McGarry, McMeans, Moore, Myres, Pacheco, Reading of Trinity, Smith, Tilghman, Wilson, Wing, and Yeiser.

On motion, Messrs. Ewing, Irwin, Johnson, Leake, McMeans, and Smith, each were granted leave of absence for one day.

Mr. Crenshaw, from the Committee on Claims, to whom was referred Assembly bill for An Act requiring the Comptroller to draw his warrant in favor of Beverly C. Saunders, reported the same back with a substitute, entitled An Act for the relief of Beverly C. Saunders.

On motion, the substitute was adopted, and laid on the table.

Mr. Conness moved a call of the House, which was sustained, and on the roll being called, the following members were absent without leave : Messrs. Bell, Canney, Carhart, Carpentier, Fairfax, Flower, Gardner, Herbert, Heydenfeldt, Hoff, Knight, Lee, McCandless, McGarry, Moore, Myres, Pacheco, Reading of Trinity, Tilghman, Wilson, Wing, and Yeiser.

On motion, the Sergeant at-Arms was dispatched to bring in the absentees.

Mr. Reading appeared at the bar of the House, was admitted, and took his seat.

On motion of Mr. Wells, further proceedings under the call were dispensed with.

A message was received from the Governor, transmitting a copy of a communication from J. C. G. Kennedy, Superintendent of United States Census, in reference to the embodiment and publication of the census returns of California.

Which, with the copy of the communication, (see Senate Appendix, No.

26,) was read, and, on motion of Mr. Crenshaw, referred to the Committee on Federal Relations.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of E. J. Osborn.

Also, An Act to amend the third section of an Act entitled an Act to regulate fees in office, passed May 1, 1851; and the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act amendatory of an Act to authorize Wm. Moody and Morgan Hart to build a wharf in the county of Solano, passed May 3, 1852, and the report was adopted.

Mr. McFarland, from the Committee on State Hospitals, to whom was referred Assembly bill for An Act to establish an Asylum for the Insane, reported the same back with a substitute, under a similar title, and recommended its passage.

On motion, the substitute was adopted, laid on the table, and two hundred and forty copies ordered printed.

Mr. Blake submitted the following resolution, which was read :

Resolved, That two thousand copies of the speech delivered by General Lewis Cass in the United States Senate, December 23, 1852, on the Tripartite Cuban Convention, be printed for the use of the members of the Assembly.

Mr. Conness moved to lay the resolution on the table, and demanded the ayes and nays, with the following result :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Crenshaw,
Estep,
Hally,
Harrison,
Hunt,
Letcher,
Mandeville,
Martin,

Messrs. Meredith,
McFarland,
McMahon,
Oliver,
Owen,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Thomas,
Walker,
Speaker—28.

NAYS.

Messrs. Cardozo,
Kittredge,

Messrs. Snyder,
Wells—4.

So the resolution was laid on the table.

Mr. Thomas presented the petition of citizens of Butte county, praying for the removal of the seat of justice of said county from its present location to Bidwell's Bar in said county.

Which was read, and on motion, referred to the members from that county.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, February 24, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk and the following members were absent: Messrs. Carhart, Estep, Fairfax, Irwin, Leake, McCandless, McGarry, McMeans, Oliver and Smith.

The Journal of Wednesday last was read, and approved.

Mr. Heydenfeldt presented the petition of O. S. Wetherby praying for relief.

Which was read and referred to the Committee on Claims.

Mr. Johnson presented the petition of citizens of Sacramento, praying that certain moneys forfeited on the bond of Fanny Smith or Seymour be paid to Albert Putnam.

Which was read and referred to the Judiciary Committee.

Mr. Wing presented the memorial of certain citizens purchasers of certain water lot property in the city of San Francisco. (See Senate Appendix, No. 28.)

Which was read and referred to the special committee of five, appointed to examine and report as to the expediency of extending the city front of San Francisco, and two hundred and forty copies ordered printed.

Mr. Knight presented the petition of certain citizens of Stockton, praying the Legislature to fix by law, the head of Navigation of Stockton Channel, in said city, at Hunter Street.

Which was read and referred to the Committee on Commerce.

Mr. Nime presented the petition of citizens of San Francisco, remonstrating against the passage of a law compelling the Measurement of Goods.

Which was read and referred to the Committee on Commerce.

Mr. Proctor presented the petition of James P. Goodall, and others, praying for a charter for the "Greenhorn Race and Water Company."

Which was read and referred to the Committee on Mines and Mining Interests.

Mr. Martin presented the petition of citizens of Eureka, praying for a law confirming certain deeds executed by Isaac Wilson.

Which was read, and referred to the Committee on Public Lands.

Mr. Martin presented the petition of citizens of the town of Union, praying for a law confirming certain deeds executed by the proprietors of said town.

Which was read, and referred to the Committee on Public Lands.

Mr. Hunt presented the petition of citizens of Los Angeles, praying for the erection of a new county out of certain territory now belonging to that county.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Crenshaw, from the Committee on Claims, to whom was referred the petition of J. D. Hoppe and, also the bill for An Act for the relief of J. D. Hoppe, reported the same back, with a substitute for the bill under a similar title.

Which was adopted and laid over.

Mr. McMeans, from the Committee on Ways and Means, submitted the following report.

Which was read, and two hundred and forty copies printed. (State Finances. See Appendix, No. 20.)

Assembly bill for An Act to amend an Act entitled an Act to Fund the Indebtedness of the State, which has accrued or may accrue, from April the twenty-ninth, eighteen hundred and fifty-one, to December thirty-first, eighteen hundred and fifty-two, inclusive, and to provide for the payment of three per cent. Bonds, was then read a first time, and two hundred and forty copies ordered printed.

Assembly bill for An Act to amend an Act entitled an Act to provide for the assessing and collecting the Public Revenue, approved April 23, 1852; was then read a first time, and two hundred and forty copies ordered to be printed.

A communication was received from the Secretary of the Senate, transmitting all the papers in the contested election case of J. W. Robinson *vs.* D. B. Kurtz of the Senate, and J. W. Robinson *vs.* W. F. Tilghman of the Assembly.

Which was read, and with the accompanying papers, referred to the Committee on Elections.

A message was received from the Senate, informing the Assembly that they did, on the 19th instant, indefinitely postpone Assembly Concurrent Resolution condemning the proceeding of the Federal and Municipal Officers of San Francisco, in reference to a banquet given to the French Consul, and passed

Assembly bill for An Act for the relief of the steamer S. B. Wheeler.

And did, on the 21st instant, pass An Act concerning repealed Statutes.

And on the 23d instant, passed An Act to prevent Extortion under color of Office and to enforce Official Duty.

Senate bill for An Act concerning repealed Statutes, was then read a first and second time, and referred to the Judiciary Committee.

Senate bill for an Act to prevent Extortion under color of Office and to enforce Official Duty, was then read a first and second time, and referred to the Judiciary Committee.

Mr. Kittredge, from the Committee on Agriculture, to whom was referred An Act to amend an Act entitled an Act for the Protection of Game, reported the same back, recommending its indefinite postponement.

The report and bill were laid on the table.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had, this day, presented to the Governor for his approval, An Act to amend an Act entitled an Act to authorize William Moody and Morgan Hart to build a Wharf in the county of Solano, passed May 3, 1852.

Mr. Flower presented the Annual Report of the Trustees of the State Marine Hospital of San Francisco. (See Appendix, No. 21.)

Which was read, and one thousand copies ordered printed.

Mr. Brush submitted the following resolution, which was adopted:

Resolved, That two hundred and forty copies of all bills introduced in this House shall be printed, unless otherwise ordered by the Assembly.

Mr. Brush submitted the following resolution, which was adopted:

Resolved, That the Committee on Claims be instructed to wait upon the Governor, and inquire whether there is any record of an order issued by the late Gov. J. McDougal, for fitting up a steamer, to take troops down the coast to quell Indian insurrections, upon which is based the claim of Beverly C. Saunders.

Mr. Taylor submitted the following resolution:

Resolved, That the regular hour for meeting of this House, shall be at 10 o'clock, A. M., until otherwise ordered.

Mr. Canney moved to lay the resolution on the table.

On which the ayes and nays were demanded, and the resolution was lost by the following vote:

AYES.

Messrs. Blake,
Canney,
Cardozo,
Fairfax,
Gardner,
Heydenfeldt,
Johnson,
Kittredge,
Lee,
Martin,
Meredith,

Messrs. Moore,
Oliver,
Proctor,
Reading,
Robinson,
Rogers,
Tilghman,
Wells,
Wing,
Yeiser—21.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Hally,
Harrison,
Hoff,
Hunt,
Knight,

Messrs. Letcher,
Mandeville,
McFarland,
McMahon,
Myres,
Owen,
Pacheco,
Redding,
Sime,
Snyder,
Taylor,
Thomas—24.

The question then being on the adoption of the resolution.

The ayes and nays were demanded, and the House refused to adopt by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Ewing,
Hally,
Harrison,
Hoff,
Hunt,
Kittredge,
Letcher,

Messrs. Mandeville,
McFarland,
Owen,
Pacheco,
Redding,
Rogers,
Sime,
Snyder,
Taylor,
Walker,
Speaker—22.

NAYS.

Messrs. Bell,
Blake,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Gardner,
Herbert,
Heydenfeldt,
Johnson,
Knight,
Lee,

Messrs. Martin,
Meredith,
McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Robinson,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—28.

Mr. Herbert, from the select committee to whom was referred the bill for An Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the seat of justice of said county, reported the same back without amendment, and recommended its passage.

The bill was then considered engrossed, read a third time, and passed.

Mr. Snyder introduced a bill for An Act to abolish the Superior Court of the City of San Francisco, to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of the said Courts ;

Which was read a first and second time, and referred to the members from San Francisco.

Mr. Redding submitted the following report, which was adopted :

Mr. Speaker :

The Committee of Conference, appointed for the purpose of conferring with the Senate Committee, on the disagreeing vote of the Senate to the resolution appointing a committee of nine on the apportionment of the Senatorial and Representative Districts, respectfully beg leave to report :

The Joint Committee would recommend that the present Committee on Apportionment be excused from further service, and that a committee of six be appointed on the part of the House.

B. B. REDDING,
JOHN J. HOFF.

Mr. Blake gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill for the creation of an officer for the inspection of lumber.

Mr. Meredith introduced a bill for An Act to limit the hours of labor ;

Which was read a first and second time, and referred to a select committee of five.

The Chair appointed Messrs. Thomas, Meredith, Sime, Owen, and McMahon, as such committee.

Mr. Heydenfeldt introduced a bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851 ;

Which was read a first and second time, and referred to the Committee on Roads and Highways.

Mr. Herbert gave notice that he would, on to-morrow, or an early day thereafter, introduce a bill to regulate and establish the fees of jurors in and for Mariposa county.

Mr. Hally gave notice that he would, on to-morrow, or an early day thereafter, introduce a bill to suppress certain species of gaming known as A B C game ; also, all games played with dice, French monte, the strap game, &c.

On motion of Mr. Canney, Mr. Bell was added to the Joint Committee on the apportionment of the Senatorial and Assembly districts of this State.

On motion of Mr. Johnson, Mr. Canney was also added to the same committee.

Mr. Johnson moved to reconsider the vote concurring in the report of the

committee of conference on the disagreeing vote of the two Houses on the resolution to appoint a joint committee for the purpose of apportioning the State into Senatorial and Assembly Districts.

Which was agreed to.

The question then again recurring on concurring in the report of the committee, the House refused to concur.

Mr. Bostwick introduced a bill for An Act to amend the Act to regulate proceedings in civil cases in Courts of Justice of the State of California, in respect to appeals from Justice Courts in certain cases.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Oliver, the Assembly resolution empowering the Clerk to employ assistance, was taken from the table.

Mr. Cabaniss submitted, as a substitute, a resolution empowering the Clerk to employ clerk of committee of this House.

And on the question of its adoption, the ayes and nays were demanded, and the House refused to adopt the substitute by the following vote :

AYES.

Messrs. Blake,
Cabaniss,
Covarrubias,
Ewing,
Hally,
Hoff,
Johnson,
Knight,
Letcher,

Messrs. Mandeville,
Martin,
Owen,
Pacheco,
Reading,
Robinson,
Sime,
Taylor,
Speaker—18.

NAYS.

Messrs. Bell,
Brush,
Canney,
Conness,
Cardozo,
Crenshaw,
Fairfax,
Gardner,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Kittredge,
Lee,
Meredith,

Messrs. McFarland,
McMahon,
Moore,
Myres,
Oliver,
Proctor,
Redding,
Rogers,
Thomas,
Tilghman,
Walker,
Wells,
Wing,
Yeiser—29.

Mr. McFarland then submitted a substitute, which was laid on the table. The question then recurring on the adoption of the original resolution,

the ayes and nays were demanded, and the House refused to adopt by the following vote :

AYES.

Messrs. Bell,
Canney,
Cardozo,
Crenshaw,
Fairfax,
Gardner,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Kittredge,
Lee,

Messrs. Meredith,
McMahon,
Moore,
Myres,
Oliver,
Proctor,
Rogers,
Thomas,
Tilghman,
Walker,
Wells,
Yeiser—24.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Ewing,
Hally,
Hoff,
Johnson,
Knight,
Letcher,
Mandeville,

Messrs. Martin,
McFarland,
Owen,
Pacheco,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Taylor,
Wing,
Speaker—25.

Mr. Canney submitted a resolution requiring the Speaker to close the doors during a call of the House.

Which was decided to be not in order.

A message was received from the Governor, informing the Assembly that he had this day approved An Act amendatory of an Act to authorize Wm. Moody and Morgan Hart to build a Wharf in the county of Solano.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, February 25, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Carhart, Heydenfeldt, Irwin, Leake, Meredith, McGerry, Myres, Smith, Tilghman and Wilson.

On motion, Messrs. Myres and Estep were each granted leave for one day.

The Journal of Thursday last was read and approved.

Mr. Yeiser presented the petition of citizens of the city of Stockton, praying for the amendment of a law entitled An Act declaring certain rivers or creeks navigable, by substituting the west side of El Dorado street, as the head of navigation in the Stockton slough.

Which was read and referred to the Committee on Commerce.

Mr. Wells, from the Committee on Corporations, to whom was referred Senate bill for An Act to prevent the establishment of Pest Houses in any town or city in this State, reported the same back, and recommended its passage.

The bill was then read a third time, and on motion of Mr. Johnson, laid on the table.

Mr. Crenshaw, from the Committee on Claims, reported that they had, in compliance with a resolution passed this House on the 24th instant, waited upon the Governor, and had been informed by him that no order is to be found recorded in the archives of the Executive Department of this State, for fitting out a steamer to convey troops down the coast to quell Indian insurrections.

Mr. Yeiser, from the Judiciary Committee, to whom was referred An Act to exempt the Homestead and other property from forced sale in certain cases, reported the same back, and recommended its indefinite postponement.

The bill was then read a third time, and on motion of Mr. Johnson, indefinitely postponed.

Mr. Yeiser, from the same committee, reported back Assembly bill for An Act to define the jurisdiction of the District Court of the First Judicial District, with amendments, and recommended its passage.

The amendments were adopted, and the bill ordered engrossed on tomorrow.

Mr. Yeiser, from the same committee, also reported back Senate bill for An Act to authorize a transfer of causes from the Superior Court of San Francisco, without amendment, and recommended its passage.

The bill was then considered engrossed, read a third time and passed.

On motion of Mr. Taylor, the Clerk was ordered to report the bill immediately to the Senate.

Mr. Gardner, from the Committee on Mines and Mining Interests, reported back the petition of James P. Goodall and others, for the incorporation of the Greenhorn Race and Water Company, and recommended that the prayer of petitioners be denied.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act for the relief of steamer S. B. Wheeler.

Mr. Snyder, from a majority of the San Francisco delegation, reported back the bill for An Act to be entitled an Act to abolish the Superior Court of the city of San Francisco, and recommended its passage.

Mr. Flower moved to lay the report on the table.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote :

AYES.

Messrs. Cabaniss,
Canney,
Covarrubias,
Flower,
Hally,
Harrison,
Johnson,
Knight,
Letcher,
Mandeville,

Messrs. Martin,
McFarland,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Walker,
Wells,
Wing—20.

NAYS.

Messrs. Bell,
Bostwick,
Brush,
Carpentier,
Conness,
Cardozo,
Crenshaw,
Ewing,
Herbert,
Heydenfeldt,
Hoff,
Hunt,

Messrs. Kittredge,
Lee,
Meredith,
McCandless,
McMahon,
Owen,
Pacheco,
Redding,
Snyder,
Yeiser,
Speaker—23.

The bill was then amended, read a third time and passed.

A communication was received from the Governor, transmitting a copy of a deed, executed on yesterday by the Mayor of the city of Benicia, conveying to the State of California a conditional title to the building now occupied by the Legislature, and the lot on which it is erected. (See Senate Appendix No. 27.)

Which was read, and on motion referred to the Committee on Public Buildings and Grounds.

Mr. Canney submitted the following resolution, which was adopted :

Resolved, That the Comptroller of State is hereby required to transmit to this House a statement of the amount of revenue received since the end of the last fiscal year, and the amount paid by each county.

Mr. Conness submitted the following resolution, which was adopted :

Resolved, That the thanks of this House be tendered to the agent of Adams & Co., for faithful and courteous attention in the early delivery of express matter, newspapers, &c.

Mr. Kittredge submitted a resolution ordering five thousand copies of the Governor's message, and the Report of the Secretary of State on the census of 1852, which the House refused to adopt.

On motion of Mr. Johnson, the House went into committee of the whole, Mr. Wing in the chair, on the consideration of "An Act for the relief of Jacob D. Hoppe, and having considered the same, rose and reported the same back, and asked to be discharged from further consideration of the matter.

Which was granted.

The bill was then read a third time, and on the question "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote :

AYES.

Messrs. Bostwick,
Cabaniss,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Johnson,
Knight,

Messrs. Lee,
Letcher,
Mandeville,
Martin,
McCandless,
McFarland,
McMahon,
McMeans,
Owen,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Thomas,
Walker—32.

NAYS.

Messrs. Blake,
Brush,
Canney,
Hunt,

Messrs. Pacheco,
Redding,
Rogers,
Snyder,

Messrs. Kittredge,
Meredith,
Moore,
Oliver,

Messrs. Wells,
Wing,
Yeiser,
Speaker—16.

The following communication from the Secretary of State was received, relative to the printed copy of Statutes of 1852. (See Appendix No. 22.)

Mr. Conness gave notice that he would, on to-morrow, offer an amendment to the Forty-fourth Rule.

Mr. Blake gave notice that, on a future day, he would introduce a bill to provide for Proceedings by Attachment against the property of non-residents and absconding debtors, for debts that accrued previous to the passage of the Act of April 29th, 1851.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to submit to the legal and qualified Voters of Tulare County, at the next general election, the permanent location of the Seat of Justice of said County.

Mr. Bestwick, from the Joint Committee on Enrolled Bills, reported, that they had this day presented to the Governor for his approval, An Act for the relief of the steamer S. B. Wheeler.

The following message was received from the Senate :

Mr. Speaker :

I am directed to inform the Assembly that the Senate, yesterday, concurred in the report of the committee of conference on the organization of a joint select committee of the two Houses, on the apportionment of the Senatorial and Assembly Districts ;

And passed, on the 24th inst., a Joint Resolution on the subject of the distribution, by Congress, of the Maps and Charts of Capt. Cadwallader Ringgold ;

And on the 24th inst., a Joint Resolution in relation to the War Debt.

A. C. BRADFORD,
Secretary of the Senate.

25th February, 1853.

Senate Joint Resolution on the subject of the distribution by Congress, of the Maps and Charts of Capt. Cadwallader Ringgold, was then read a first and second time, the rules suspended, it was read a third time and passed.

Senate Joint Resolution in relation to the War Debt was then taken up, read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. Robinson introduced a bill for An Act to amend the act entitled an Act concerning the Salary of Officers and Pay of Members of the Legislature, approved May 4th, 1852.

Which was read a first time, and laid over under the rules.

Mr. Wing introduced a bill for An Act to repeal the first section of an

Act entitled an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4th, 1852.

Which was read a first time, and laid over under the rules.

Mr. Kittredge introduced a bill for An Act for the destruction of certain noxious Animals.

Which was read a first and second time, and referred to the committee of the whole House, and made the special order of the day for to-morrow at one o'clock, P. M.

Mr. Heydenfeldt moved that a committee of free conference be appointed, to consist of three members, to confer with a similar committee of the Senate on the subject of apportioning the State into Assembly and Senatorial Districts.

Which was agreed to.

The Chair appointed as such committee, Messrs. Heydenfeldt, Redding of Yuba, and Hoff.

Mr. Owen introduced a bill for An Act to prevent hogs running at large, in this State.

Which was read a first and second time and referred to the Committee on Agriculture.

On motion of Mr. Robinson the two last bills introduced were ordered not to be printed.

Mr. Hally moved a reconsideration of the vote of yesterday on the adoption of the resolution ordering the printing of all bills introduced into this House.

On which, the ayes and nays were demanded and the House refused to reconsider by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Canney,
Carpentier,
Crenshaw,
Estep,

Messrs. Hally,
McFarland,
Owen,
Wing,
Speaker—11.

NAYS.

Messrs. Bell,
Blake,
Brush,
Conness,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Flower,
Gardner,
Harrison,
Herbert,

Messrs. Martin,
Meredith,
McCandless,
McMeans,
Oliver,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,

Messrs. Heydenfeldt,
Hoff,
Johnson,
Kittredge,
Lee,
Mandeville,

Messrs. Taylor,
Thomas,
Tilghman,
Walker,
Wells,
Yeiser—36.

Assembly bill for An Act to amend an Act entitled an Act for the protection of game, was then taken up, considered, and ordered engrossed for a third reading.

Mr. Hunt introduced a bill for An Act to regulate appeals from county Courts, Justices', Mayors' and Recorders' Courts, in the First Judicial Districts.

Which was read a first time, and laid over under the rule.

Mr. Redding introduced a bill for An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices.

Which was read a first time and laid over under the rule.

On motion, at two o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, February 26, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Cabaniss, Carhart, Estep, Heydenfeldt, Irwin, Lee, Leake, Meredith, McMeans, Moore, Smith, Thomas, Wilson, and Yeiser.

On motion, leave of absence was granted for one day each to Messrs. Estep, Irwin, McMeans, Smith, and Wilson.

The Journal of Friday last was read and approved.

Mr. Snyder presented a Joint Resolution of the Common Council of San Francisco, protesting against the extension of the city front of that city;

Which was read, and referred to the select committee to whom was referred the subject of extending the front of said city.

Mr. Crenshaw, from the Committee on Claims, reported back the petition and claim of O. S. Wetherby, and recommended that they be referred to the Committee on Indian Affairs.

The report was adopted, and the petition and claim referred to the Committee on Indian Affairs.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to authorize County Recorders to administer oaths, with a recommendation that the second section be stricken out, and the bill passed.

The bill was then amended, as recommended, and considered engrossed, read a third time, and passed.

Mr. Yeiser, from the same committee, also reported back Assembly bill for An Act to authorize the State Treasurer to issue a duplicate school land warrant, and recommended its passage.

The report was adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Yeiser, from the same committee, also reported back Assembly bill for An Act to repeal an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers so far as it applies to the county of El Dorado, and recommended that it be referred to the El Dorado delegation.

The report was adopted, and the bill so referred.

The same committee, through Mr. Yeiser their chairman, reported back Senate bill for An Act to prevent the use of false stamps and labels, with a recommendation that the same be passed without amendment.

The report was adopted, and the bill read a third time and passed.

Mr. Yeiser, from the same committee, reported back Senate bill for An Act in relation to water companies, with a substitute, entitled An Act amendatory of an Act entitled an Act concerning corporations, passed April 22, 1850, and recommended its passage.

The substitute was adopted, and on motion of Mr. Canney, laid on the table, and two hundred and forty copies ordered to be printed.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly bill for An Act to provide for enforcing the collection of taxes on consigned goods, with a recommendation that it be laid on the table.

The report was adopted, and the bill laid on the table.

Mr. Gardner, from the Committee on Mines and Mining Interests, reported back Senate bill for An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, and recommended its passage without amendment.

The report was adopted, and the bill read a third time and passed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to define the jurisdiction of the District Court of the First Judicial District.

Also, An Act to abolish the Superior Court of the city of San Francisco, to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of said Court.

The report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to authorize the transfer of causes from the Superior Court of San Francisco.

The report was adopted.

Mr. Kittredge, from the Committee on Agriculture, reported back Assembly bill for An Act concerning lawful fences, and animals trespassing on

premises lawfully enclosed, with an amendment, and recommended its passage.

The report was adopted, and the bill laid on the table.

On motion of Mr. Johnson, Senate bill for An Act to prevent Monopolies that tend to produce famine, made the special order of the day at 12 o'clock, M., was taken up, and made the special order of the day for Saturday next, March 5, 1853, at 12 o'clock, M., and two hundred and forty copies ordered printed.

Mr. Herbert gave notice that he would, on Monday next, or on an early day thereafter, introduce a bill to amend An Act prescribing the mode of maintaining and defending possessory actions on public lands in this State.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to amend an Act entitled an Act for the protection of Game.

Also, An Act for the relief of Jacob D. Hoppe.

The report was adopted.

On motion of Mr. Crenshaw, Assembly bill for An Act to amend an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, was taken from the table; and,

On motion of Mr. Canney, the House went into committee of the whole, (Mr. Thomas in the chair,) on the consideration of the bill; and having made some progress thereon, rose, and reported it back to the House, and asked leave to sit again.

Which was granted.

On motion of Mr. Redding, the bill was laid on the table, and made the special order for Tuesday next, at 12 o'clock, M., and 240 copies ordered to be printed.

Mr. Hoff introduced a Joint Resolution in regard to the New York Industrial Exhibition.

Which was read a first time and laid over, under the rule.

The Speaker presented the report of the Commissioners of State Prison, in relation to the contract made for the erection of a State Prison, and the purchase of a lot of ground for the location of the same. (See Appendix No. 23.)

Which was read and referred to the Committee on State Prisons, and four hundred and eighty copies ordered to be printed.

The House then went into committee of the whole. (Mr. Heydensfeldt in the chair,) on the bill for An Act for the destruction of certain noxious animals, made the special order of the day for this day at 1 o'clock: and having made some progress thereon, rose, and reported it back with sundry amendments, and asked leave to sit again, which was granted, and the bill laid on the table.

On motion of Mr. Wells, Senate bill for An Act to prevent the establishment of Pest Houses in any town or city in this State, was taken from the table, amended, read a third time and passed.

Mr. Bestwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act to authorize the transfer of causes from the Superior Court of San Francisco.

The report was adopted.

Mr. Johnson introduced a bill for An Act authorizing the Attorney-Gen-

eral of the State of California to employ counsel in certain cases, and fixing a compensation therefor.

Which was read a first time, the rules suspended; it was then read a second time, and referred to the Judiciary Committee.

A message was received from the Senate, informing the Assembly that the Senate did, on the 16th inst., appoint Messrs. Keene, Smith and Wombough a committee of conference on the disagreeing votes of the two Houses on Senate bill to repeal An Act creating the office of Superintendent of Public Buildings.

And passed, on yesterday, An Act granting to Sheriffs further time for final settlement; and An Act authorizing the appointment of Book-Keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment.

Senate bill for An Act authorizing the appointment of Book-Keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment, was read a first time, the rules suspended, it was then read a second time, and referred to the Committee on Claims.

Senate bill for An Act granting to Sheriffs further time for final settlement, was then read a first and second time, the rules suspended; it was then read a third time; and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bell,

Blake,

Bostwick,

Cabaniss,

Canney,

Conness,

Covarrubias,

Crenshaw,

Flower,

Gardner,

Hally,

Harrison,

Herbert,

Hoff,

Hunt,

Johnson,

Knight,

Lee,

Messrs. Letcher,

Martin,

McCandless,

McMahon

McMeans,

Myres,

Oliver,

Owen,

Pacheco,

Proctor,

Reading,

Redding,

Robinson,

Rogers,

Taylor,

Walker,

Yeiser,

Speaker—36.

NAYS.

Messrs. Brush,

Cardozo,

Fairfax,

Messrs. McGarry,

Sime,

Snyder,

Messrs. Heydenfeldt,
Kittredge,
McFarland,

Messrs. Thomas,
Wells,
Wing—12.

On motion of Mr. Hoff, Senate bill for An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county, was taken from the table, amended, read a third time, and passed.

Mr. Cabaniss submitted the following resolution, which was adopted :

Resolved, That the Sergeant-at-Arms be required and directed to have removed from the immediate vicinity of the Capitol, the lumber, shavings, and other nuisances that now surround this house.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, February 28, 1853.

The House met pursuant to adjournment.

On motion of Mr. Heydenfeldt, Mr. Oliver took the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Blake, Conness, Carpentier, Cardozo, Estep, Ewing, Fairfax, Hally, Irwin, Johnson, Knight, Mandeville, Martin, McCandless, McGarry, Moore, Proctor, Reading, Sime, Smith, Thomas, Tughman, Wilson, Yeiser, and Mr. Speaker.

On motion, leave of absence for one day each, was granted to Messrs. Blake, Conness, Cardozo, Estep, Ewing, Fairfax, Hally, Johnson, Knight, Mandeville, McCandless, Sime, and Smith, and to Mr. Wilson, three day's leave was granted, and an indefinite leave to Mr. Irwin.

The Journal of Saturday last was read and approved.

Mr. Crenshaw, from the Committee on Claims, reported back, Senate bill for An Act authorizing the appointment of book-keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment, without amendment, and recommended its passage.

The report was adopted.

Mr. Hoff moved to lay the bill on the table.

On which the ayes and nays were demanded, and was decided in the negative, by the following vote:

AYES.

Messrs. Brush,
Covarrubias,
Harrison,
Hoff,
Hunt,
Kittridge,
Letcher,

Messrs. Meredith,
McMeans,
Owen,
Pacheco,
Rogers,
Snyder,
Taylor—14.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Canney,
Carhart,
Crenshaw,
Flower,
Gardner,
Herbert,
Heydenfeldt,
Lee,

Messrs. Leake,
McFarland,
McMahon,
Myres,
Oliver,
Redding,
Robinson,
Walker,
Wells,
Wing—21.

On motion of Mr. Canney, the bill was then recommitted to the Committee on Claims, with special instructions to bring in a bill authorizing the payment of the Clerk of the Board of Examiners of the War Debt.

Also, a bill authorizing the Comptroller and Treasurer to employ clerks. Mr. Wing, from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act to authorize County Recorders to administer oaths;

An Act authorizing the State Treasurer to issue a duplicate School Land Warrant.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

A Joint Resolution on the subject of the distribution by Congress of the Maps and Charts of Capt. Cadwallader Ringgold;

An Act granting to sheriffs further time for final settlement.

Mr. Brush, on leave, introduced a bill for An Act concerning the salaries of Officers and pay of Members of the Legislature.

Which was read a first time, the rules suspended; it was then read a second time, and referred to the Committee of Ways and Means.

Mr. Redding of Yuba, on leave, introduced a bill for An Act to amend the third section of the Act entitled an Act to license Gaming, passed March 3th, 1851.

Which was read a first and second time, and referred to the Committee on Claims, and ordered not to be printed.

Mr. McMahon gave notice that he would on to-morrow, or at an early day thereafter, introduce a bill for An Act supplemental to An Act providing a fund for the use of a State Library.

Mr. Owen introduced a bill for An Act to suppress Gambling.

Which was read a first time, the rules suspended; it was then read a second time, and on motion of Mr. Heydenfeldt, referred to a select committee of five.

The Chair appointed Messrs. Heydenfeldt, Bostwick, Kittredge, McMeans, and Canney, as such committee.

A message was received from the Senate, informing the Assembly that they did on yesterday, appoint Messrs. Lott, Foster, and Walton, a committee of free conference in reference to the organization of a Joint Committee on the apportionment of Senatorial and Assembly Districts of this State.

Assembly Joint Resolution in regard to the New York Industrial Exhibition,

Was then read a second time, the rules suspended; it was read a third time, and passed.

Assembly bill for An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the contingent expenses of Government, approved May 4th, 1852.

Was then read a second time, and referred to the Committee on Public Expenditures.

Assembly bill for An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices was then read a second time, and referred to the Judiciary Committee.

Assembly bill for An Act to regulate Appeals from County Courts, Justices', Mayors' and Recorders' Courts, was then read a second time, and referred to the Judiciary Committee.

Mr. Heydenfeldt submitted the following resolution, which was adopted :—

Resolved, That the use of this hall be granted to Mr. Miska Hauser for two evening Concerts.

Assembly bill for An Act to amend the act entitled an Act concerning the Salary of Officers and Pay of the Members of the Legislature, approved May 4th, 1852, was then read a second time, and referred to the Committee of Ways and Means.

Assembly bill for An Act to amend an Act to Fund the Indebtedness of the State, which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive, and to provide for the payment of Three per cent. Bonds, was then read a second time, and laid on the table.

Assembly bill for An Act to amend an act entitled an Act to provide for the levying, assessing, and collecting Public Revenue, approved April 23d, 1852, was then read a second time, and laid on the table.

Assembly bill for An Act to amend an act entitled an Act for the protection of Game, was then taken up for a third reading, and laid on the table.

Assembly bill for An Act to define the jurisdiction of the District Court of the First Judicial District, was then taken up, and pending the consideration of the same,

On motion, at 2 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, March 1, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Bell, Blake, Fairfax, McMeans, Moore, Myres, Reading of Trinity, and Yeiser.

On motion, leave of absence was granted, one day, to Messrs. Bell, Fairfax, McMeans and Moore ; and to Mr. McMahon, three days ; and to Mr. Irwin, indefinite leave was granted.

The Journal of Monday last was read and approved.

Mr. Canney presented the petition of Henry T. Weatherwax, praying the Legislature to pass a law allowing him to change his name to Henry Thomas Holmes.

Which was read, and laid on the table.

Mt. Snyder presented the petition of citizens, merchants of San Francisco, praying for the passage of a law to regulate the measurement of goods arriving at the Port of San Francisco.

Which was read, and referred to the Committee on Commerce.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, Joint Resolution in relation to the War Debt, and the report was adopted.

Mr. Canney, on leave introduced a bill for An Act to change the name of Henry Thomas Weatherwax.

Which was read a first time ; the rules suspended, it was read a second time ; the rules further suspended, it was then read a third time, and passed.

Mr. McCandless submitted a resolution which was adopted, requesting the chairman of the Committee on Ways and Means to correspond with the authorized mail agent for the State of California, and ascertain, if possible, the cause of the non-transmission of papers and public documents from the post office at Benicia.

A communication was received from the Comptroller, transmitting a statement of the receipts into the State Treasury, from July 1, 1852, to February 26, 1853. (See Appendix, No. 24.)

Which was read, and,

On motion of Mr. McMeans, one thousand copies ordered to be printed.

Assembly bill for An Act to define the jurisdiction of the District Court of the First Judicial District, was then taken up, and,

On motion of Mr. Robinson, recommitted to the Judiciary Committee, with special instructions to amend the eighth section, by adding the words, "so far as they apply to the first Judicial District."

Mr. McGarry presented the claim of the schooner Toccoo for \$224 43, for freight on furniture, &c., from San Francisco to Vallejo.

Which was read, and referred to the Committee on Claims.

Mr. McMahon introduced a bill for An Act supplemental to an Act providing a Fund for a State Library.

Which was read a first and second time, and,

On motion of Mr. Canney, referred to the Committee on Claims.

On motion of Mr. Haylenfeldt, the House went into committee of the whole, Mr. Oliver in the chair, on Assembly bill for An Act for the destruction of certain Noxious Animals, and having considered the same, rose, and reported it back with sundry amendments, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Oliver moved that the House non-concur in the amendments reported by the committee.

Which was agreed to.

Mr. Crenshaw moved to indefinitely postpone the bill.

Upon which the ayes and nays were demanded, and the House refused to indefinitely postpone by the following vote:

AYES.

Messrs. Bostwick,
Conness,
Covarrubias,
Crenshaw,
Gardner,
Hally,
Mandeville,

Messrs. McCandless,
Owen,
Pacheco,
Snyder,
Taylor,
Thomas,
Wells—14.

NAYS

Messrs. Blake,
Brush,
Cabaniss,
Canney,
Carhart,
Carpentier,
Cardozo,
Ewing,

Messrs. Martin,
Meredith,
McFarland,
McGarry,
McMahon,
McMeans,
Myres,
Oliver,

Messrs. Flower,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Kittredge,
Knight,
Lee,
Leake,
Letcher,

Messrs. Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Tilghman,
Walker,
Wing,
Yeiser,
Speaker—39.

Mr. McCandless moved to lay the bill on the table.

Which was not agreed to.

On motion of Mr. Heydenfeldt, the bill was then referred to the Committee on Agriculture.

The House then went into committee of the whole, Mr. Canney in the chair, on Assembly bill for An Act to amend an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress, made the special order for this day, at 12 o'clock, M., and having made some progress thereon, rose, and reported the same back, and asked leave to sit again.

Which was granted, and the bill laid on the table.

A communication was received from the Governor, transmitting a communication from the Comptroller of State, (See Appendix, No. 25,) in relation to issuing warrants for the payment of the State Prison Contractor.

Which was read, and referred to the Committee on State Prisons, with instructions to report on Thursday next.

A message was received from the Senate, informing the Assembly that they had concurred in Assembly amendment to Senate bill for An Act concerning the securities of Mr. John H. Phillips, deceased, late County Treasurer of El Dorado county.

And passed an Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850.

Senate bill for An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850, was then read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Blake, the House then went into committee of the whole, (Mr. Canney in the chair), to consider Assembly bill for An Act concerning Fences, and Animals trespassing on premises lawfully enclosed; and having considered the same, rose, and reported it back, with a recommendation that the bill be referred to a select committee of five.

The recommendation of the Committee was adopted, and the Chair appointed Messrs. Owen, Smith, Hally, Harrison and Kittredge, as such committee.

Mr. Hally introduced a bill for An Act to amend the seventh section of

an Act to prohibit the erection of weirs or other obstructions to the use of Salmon;

Which was read a first and second time, and referred to the Committee on Agriculture.

On motion of Mr. Canney, Assembly bill for an Act amendatory of an Act entitled an Act concerning corporations, passed April 22, 1850, was taken from the table.

Mr. Conness moved a call of the House, which was sustained, and on the roll being called, the following members were absent:—Messrs. Ewing, Gardner, Mandeville, McCandless and Tilghman.

On motion, the Sergeant at Arms was dispatched to bring in absentees.

Messrs. Ewing, Gardner, Mandeville and McCandless, severally appeared, were admitted within the bar, and took their seats.

On motion of Mr. Canney, further proceedings on the rule were dispensed with.

Mr. Myers moved to lay the bill on the table, which was agreed to.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 2, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were found absent:—Messrs. Carpentier, Fairfax, Flower, Heydenfeldt, Myres, Pacheco, Smith and Wing.

The Journal of Tuesday last was read and approved.

Mr. Blake presented the petition of certain citizens of San Francisco, asking for a law appointing an Inspector of Lumber for the Port of San Francisco, which was read, and referred to the Committee on Commerce.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to amend the third section of an Act to license Gaming, passed March 14th, 1851, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. McMeans, from the same committee, reported back Assembly bill for

An Act concerning the salaries of officers and pay of members of the Legislature, and recommended it to the favorable consideration of the House.

The report was adopted, and the bill laid on the table.

Mr. Sime, from the Committee on Public Buildings and Grounds, reported back the petition of Clark and Craine, and recommended that the prayer of the petitioners be granted.

The report was adopted, and the petition recommitted to the Committee on Claims.

Mr. Carhart, from the Committee on Public Buildings and Grounds, reported back the bill for An Act to take the sense of the people of California upon the subject of the permanent location of the Seat of Government; also,

An Act to determine, by the vote of the people of the State, the permanent location of the Seat of Government, with a substitute, and recommended its passage.

The report and bills were laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to change the name of Henry Thomas Weatherwax, and the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor, for his approval, Joint Resolution in relation to the War Debt;

Joint Resolution in reference to the distribution of the Maps and Charts of Capt. Cadwallader Ringgold; and

An Act granting Sheriffs further time for final settlement.

And the report was adopted.

Mr. Wilson, from the same committee, reported as correctly enrolled An Act to prevent the use of false stamps and labels;

An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county; also,

An Act to amend an Act concerning crimes and punishments, passed April 16th, 1850.

Mr. Myres, from the select committee of thirteen, to whom was referred that portion of the annual message of the Governor, relating to the calling of a Convention to revise and change the entire Constitution of this State, submitted the following report. (See Appendix, No. 26.)

Which was read, laid on the table, and two thousand copies ordered to be printed.

The bill, reported by the select committee of thirteen, for An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of the State, was then read a first time, and laid over under the rules.

Mr. McMeans, from the Committee on Ways and Means, submitted the following report, which was read:

Mr. Speaker:

Agreeably to the Assembly resolution, requiring the Chairman of the Committee on Ways and Means to confer immediately with James M. Goggins, United States Mail Agent, (or the authorized Mail Agent of the General

Government.) in relation to the detention of public documents, papers, and letters, in the Post Office at Benicia, I have the honor to report :

That upon inquiry, neither Mr. Goggins, nor any other mail agent known to the public, acting under the authority of the United States, is known to be in this State.

Respectfully submitted, *

S. A. McMEANS,
Chairman Committee Ways and Means.

Mr. Robinson introduced a bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851 ;

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Wells introduced a bill for An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April 20, 1852 ;

Which was read a first and second time, and referred to the Committee on Public Lands.

Mr. Bell introduced a bill for An Act to ascertain the indebtedness of Mariposa county ;

Which was read a first and second time, and referred to the delegation from Mariposa county.

Mr. Snyder introduced a bill for An Act to amend an Act entitled an Act to re-incorporate the city of San Francisco," passed April 15, 1851 ;

Which was read a first and second time, and referred to the members from San Francisco county.

On motion of Mr. Gardner, Assembly bill for An Act for the relief of Beverley C. Saunders was taken from the table, and the House then went into committee of the whole (Mr. Cabaniss in the Chair) on the consideration of the bill, and having considered the same, rose and reported it back without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and on the question, " Shall the bill now be passed ?" the ayes and nays were demanded, and the House passed the bill by the following vote :

AYES.

Messrs. Cabaniss,

Canney,

Carhart,

Carpentier,

Conness,

Cardozo,

Covarrubias,

Crenshaw,

Estep,

Ewing,

Messrs. McCandless,

McGarry,

McMahon,

McMeans,

Moore,

Myres,

Oliver,

Owen,

Proctor,

Redding,

Messrs. Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Knight,
Lee,
Leake,
Martin,

Messrs. Robinson,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser,
Speaker—43.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Harrison,

Messrs. Kittredge,
Letcher,
Mandeville,
Walker—9.

A message was received from the Senate, informing the Assembly that the Governor did, on yesterday, approve An Act granting to Sheriffs' further time for final settlement.

Also Joint Resolution in reference to the distribution of the Maps and Charts of Capt. Cadwallader Ringgold.

And Joint Resolution in relation to the War Debt.

And that the Senate passed, on yesterday, An Act relative to Port Wardens in San Francisco, Sacramento, and other Ports of California.

Senate bill for An Act relative to Port Wardens in San Francisco, Sacramento, and other Ports of California, was then read a first and second time, and referred to the Committee on Commerce, and two hundred and forty copies ordered printed.

Mr. Bell gave notice that he would, at an early day, introduce a bill to provide for the construction of a Wagon Road from the town of Stockton through the Counties of Tuolumne, Mariposa, Tulare and Los Angeles, across the Sierra Nevada Mountains at some suitable point.

Mr. Sime presented the petition of citizens of San Francisco, remonstrating against the creation of an officer for inspecting lumber at the Port of San Francisco.

Which was read, and referred to the Committee on Commerce.

Mr. Blake introduced a bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. Blake introduced a bill for An Act to provide for the Inspection of Lumber.

Which was read a first and second time, and referred to the Committee on Commerce.

Mr. Oliver submitted a resolution to increase the pay of the Clerks and employees of the Assembly.

Mr. Conness moved to indefinitely postpone the resolution.

And after some discussion, Mr. Bostwick moved the previous question.

Which was sustained.

The question then being on the indefinite postponement of the resolution.

The ayes and nays were demanded, and the House refused to indefinitely postpone by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Estep,
Ewing,
Garfield,
Hally,
Harrison,
Johnson,

Messrs. Letcher,
Mandeville,
McCandless,
Owen,
Robinson,
Sime,
Snyder,
Taylor,
Thomas—19.

NAYS.

Messrs. Blake,
Canney,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Flower,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Knight,
Lee,
Leake,
Martin,
Meredith,
McFarland,

Messrs. McGarry,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Redding,
Rogers,
Tilghman,
Walker,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—35.

Mr. Canney moved to lay the resolution on the table.

Which was agreed to.

Mr. Heydenfeldt introduced a bill for An Act for the relief of James McKamy.

Which was read a first and second time.

The House then went into committee of the whole, (Mr. Tilghman in the chair,) on the consideration of the bill; and having considered the same,

rose, and reported it back without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Yeiser, from the Committee on Judiciary, reported back Assembly bill for An Act to define the jurisdiction of the District Court of the first Judicial District, with amendments, which were adopted, and the bill re-committed to the Judiciary Committee with instruction to make such amendments as they may deem proper.

Mr. Wing, from the Committee on Public Expenditures, reported back Assembly bill for An Act to repeal the first section of An Act entitled an Act appropriating moneys to meet the contingent expenses of Government, passed May 4th, 1852, without amendment, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Johnson, from the Sacramento Delegation, reported back Assembly bill for An Act amendatory of an Act to incorporate the city of Sacramento, with a substitute under a similar title, and recommended its passage.

The substitute was adopted, read a third time and passed.

On motion of Mr. Johnson, the Clerk was ordered to report the bill immediately to the Senate.

On motion of Mr. Sime, Assembly bill for An Act amendatory of an Act entitled an Act concerning Corporations, passed April 22d, 1850, was then taken from the table.

Mr. Canney moved to amend by inserting, after the word "trust," the words "to be subject to a lien of mechanics and laborers."

Mr. Sime moved to indefinitely postpone the amendment.

On which the ayes and nays were demanded by Mr. Blake, and the House refused to indefinitely postpone by the following vote:

• AYES.

Messrs. Brush,
Canney,
Conness,
Gardner,
Garfield,
Herbert,
Hoff,
Hunt,
Kittredge,
Lee,
Leake,

Messrs. Mandeville,
McMahon,
McMeans,
Myres,
Oliver,
Redding,
Rogers,
Sime,
Thomas,
Wells,
Speaker—22.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Carhart,
Cardozo,

Messrs. Martin,
McFarland,
McGarry,
Moore,
Owen,

Messrs. Estep,
Flower,
Hally,
Harrison,
Heydenfeldt,
Johnson,
Knight,
Letcher,

Messrs. Proctor,
Reading,
Robinson,
Snyder,
Taylor,
Tilghman,
Wing—25.

On motion of Mr. Brush, the bill was laid on the table.

Mr. Heydenfeldt submitted a resolution referring so much of the unfinished business of the last session, as relates to the memorial of W. W. Shepard, to the Committee on Claims, and the resolution was adopted.

Mr. Garfield, from the Committee on Federal Relations, to whom was referred the Governor's message, with a copy of a communication from the Superintendent of United States Census, submitted concurrent resolution authorizing the Governor to forward to J. C. Kennedy, Superintendent of Census, at Washington City, the original census abstracts and reports of the census of this State; and the resolution was read and adopted.

On motion, at 2 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, March 3, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Covarrubias, McFarland and Pacheco.

On motion, leave of absence for two days was granted to Mr. McFarland, and indefinite leave to Mr. Pacheco.

Mr. Cardozo, from the Committee on Commerce, submitted a report, accompanied by a map, in relation to the extension of the city front of San Francisco. (See Appendix, No. 27.)

Which was read, laid on the table, and one thousand copies ordered printed.

Mr. Garfield, from the Committee on Federal Relations, reported back

Senate Joint Resolution in relation to the Harbor of Santa Cruz, without amendment, and recommended its passage.

The report was adopted, and the resolution was then read a third time and passed.

Mr. Moore, from the Committee on State Prison, reported back several communications of His Excellency the Governor, the Comptroller of State, and the report of the State Prison Commissioners, and recommended that they be referred to a special committee.

The report was adopted, and the communications and report were laid on the table.

Mr. Bell, from the Mariposa delegation, reported back Assembly bill for An Act to ascertain the indebtedness of Mariposa county, without amendment, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Thomas, from the Committee on Engrossed bills, reported as correctly engrossed, An Act for the relief of Beverly C. Saunders ;

An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the contingent expenses of Government, approved May 4, 1852 ; and the report was adopted.

A message was received from the Senate, informing the Assembly that they did, on yesterday, pass Assembly Joint Resolution in regard to the World's Industrial Exhibition, with an amendment ;

And Assembly bill for An Act to change the name of Henry Thomas Weatherwax.

The Senate amendment to Assembly Joint Resolution in regard to the World's Industrial Exhibition, was then concurred in.

Assembly bill for An Act recommending to the Electors to vote for or against calling a Convention, to revise and change the entire Constitution of this State, was then read a second time and laid on the table.

Mr. Snyder presented the petition of certain merchants of San Francisco, protesting against the passage of An Act to provide for the Measurement of Goods.

Which was read, and referred to the Committee on Commerce.

Mr. Robinson submitted a Concurrent Resolution, instructing the Comptroller of State not to issue Warrants for paying State Prison contracts.

Which was read and adopted.

On motion, the Clerk was directed to report the Resolution to the Senate immediately.

Mr. Sine presented the petition of certain citizens of the city of San Francisco, praying for the passage of a law to provide for the better observance of the Sabbath.

Which was read, and referred to the select committee of five appointed to consider that subject.

Mr. Johnson, from the Committee on Commerce, to whom was referred so much of the Governor's annual message as relates to the extension of the city front of San Francisco, submitted a report ;

Which was read and laid on the table.

Mr. Johnson submitted the following resolution, which was adopted :

Resolved, That so much of the Governor's Message as relates to the extension of the water front of the city of San Francisco—also the various documents, memorials and petitions, heretofore referred to the Committee on Commerce and Navigation, be referred to the special committee appointed by this House to examine into that subject.

On motion of Mr. Wing, Assembly bill for An Act to establish an Asylum for the Insane, was taken from the table.

On motion of Mr. McMeans, the House then went into committee of the whole. (Mr. Owen in the chair.) on the consideration of the bill, and having made some progress thereon, rose and reported it back to the House, and asked leave to sit again.

Which was granted.

On motion of Mr. Johnson, the bill was then referred to the Committee on Public Buildings, with instructions to report the same back on or before Thursday next.

And the bill was made the special order for that day, at one o'clock, P. M.

Mr. Bestwick, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act supplementary to an Act concerning Crimes and Punishments, passed April 16, 1850.

Also, An Act concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado County;

And An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Mr. Martin introduced a bill for an act entitled An Act for the better regulation of Pilots for the Bay and Harbor of Humboldt Bay.

Which was read a first and second time, and referred to the Committee on Commerce, and ordered not to be printed.

Mr. Crenshaw, from the Committee on Claims, reported back Senate Bill for An Act authorizing the appointment of Book-Keeper to the Comptroller of State, and temporary Clerk in the Department of Treasurer of State, and to provide for their payment, with An Act to authorize the appointment of Book-Keeper to the Comptroller of State, and temporary Clerk in the Department of Treasurer, and to provide for their payment;

Also, An Act to provide for the payment of Clerks employed by the Comptroller and Treasurer.

The report was adopted, and the Senate bill laid on the table.

The bill for An Act to authorize the appointment of Book Keeper to the Comptroller of State, and temporary Clerk in the Department of Treasurer, and to provide for their payment, was then read a first and second time, the rules having been suspended for that purpose.

On motion of Mr. Conness, the House then went into committee of the whole. (Mr. Flower in the chair.) on the consideration of the bill, and having considered the same, rose and reported it back, with an amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion, (Mr. Canney in the chair,) the amendment reported by the committee was concurred in.

Mr. McMeans moved to indefinitely postpone the bill.

Mr. Conness moved to lay the motion to indefinitely postpone on the table.

On which the ayes and days were demanded.

And the House laid the motion on the table by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Canney,
Carhart,
Carpentier,
Conness,
Crenshaw,
Flower,
Gardner,
Garfield,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Knight,
Lee,

Messrs. Martin,
Meredith,
McCandless,
McGarry,
Moore,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—37.

NAYS.

Messrs. Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Johnson,

Messrs. Kittredge,
Leake,
Letcher,
Mandeville,
McMeans,
Reading,
Robinson,
Wing—16.

Mr. Robinson raising the question, the Chair decided that the motion to lay the motion to indefinitely postpone on the table, being carried, did not lay the subject matter on the table also, from which decision, Mr. Robinson appealed to the House.

The question then being, "Shall the decision of the Chair stand as the opinion of this House?"

Mr. Heydenfeldt demanded the ayes and nays, and the House refused to sustain the decision of the Chair, by the following vote:

AYES.

Messrs. Bell,
 Carhart,
 Conness,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Gardner,
 Herbert,
 Heydenfeldt,
 Hoff,
 Lec,
 Mandeville,

Messrs. McCandless,
 McGarry,
 Moore,
 Oliver,
 Owen,
 Redding,
 Rogers,
 Sime,
 Snyder,
 Thomas,
 Walker,
 Yeiser—24.

NAYS.

Messrs. Blake,
 Brush,
 Carpentier,
 Estep,
 Ewing,
 Fairfax,
 Flower,
 Hally,
 Harrison,
 Hunt,
 Johnson,
 Kittredge,
 Knight,

Messrs. Leake,
 Letcher,
 Martin,
 Meredith,
 McMeans,
 Myres,
 Proctor,
 Reading,
 Robinson,
 Taylor,
 Wells,
 Wing—25.

Mr. Heydenfeldt moved to reconsider the vote by which the motion to indefinitely postpone the bill was laid on the table.

Which was agreed to.

And the motion to indefinitely postpone was then withdrawn.

Mr. Johnson moved to amend by striking out in the second section of the bill the words "two hundred and seventy dollars per month," and inserting "twenty-five hundred dollars per annum."

On which, Mr. Robinson demanded the ayes and nays, and the House refused to adopt the amendment, by the following vote:

AYES.

Messrs. Bell,
 Brush,
 Cardozo,
 Covarrubias,
 Estep,
 Ewing,
 Gardner,

Messrs. Kittredge,
 Knight,
 Letcher,
 Mandeville,
 Martin,
 Meredith,
 McCandless,

Messrs. Hally,
Harrison,
Hunt,
Johnson,

Messrs. McMeans,
Robinson,
Taylor,
Wells—22.

NAYS.

Messrs. Blake,
Canney,
Conness,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Hoff,
Lee,
Leake,
McGarry,
Moore,
Oliver,

Messrs. Owen,
Proctor,
Reading,
Redding,
Rogers,
Sime,
Snyder,
Smith,
Thomas,
Walker,
Wing,
Yeiser,
Speaker—27.

Mr. Leake moved to amend the second section of the bill by striking out "two hundred and seveniy," and inserting "two hundred and fifty;"

On which, the ayes and nays were demanded, and the House refused to adopt the amendment by the following vote :

AYES.

Messrs. Bell,
Brush,
Caldwell,
Cardozo,
Covarrubias,
Estep,
Ewing,
Gardner,
Harrison,

Messrs. Hunt,
Kittredge,
Leake,
Letcher,
Mandeville,
Martin,
Meredith,
McMeans,
Taylor—18.

NAYS.

Messrs. Blake,
Canney,
Conness,
Crenshaw,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,

Messrs. Oliver,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,

Messrs. Hoff,
Johnson,
Knight,
Lee,
McCandless,
McGarry,
Moore,

Messrs. Smith,
Thomas,
Walker,
Wells,
Wing,
Yeiser,
Speaker—32.

On motion, the rules were then suspended, and the bill was read a third time, and on the question "Shall the bill now be passed?" the ayes and nays were demanded by Mr. Johnson, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Canney,
Conness,
Crenshaw,
Fairfax,
Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Lee,
McGarry,
Moore,

Messrs. Myres,
Oliver,
Owen,
Reading,
Redding,
Rogers,
Sime,
Snyder,
Smith,
Thomas,
Walker,
Wing,
Yeiser,
Speaker—29.

NAYS.

Brush,
Caldwell,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Hunt,
Johnson,
Kittredge,
Knight,

Messrs. Leake,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McMeans,
Proctor,
Robinson,
Taylor,
Wells—22.

On the question, shall the title stand? it was amended by adding "of clerks in the State offices," and the title as amended, was agreed to.

The bill reported by Mr. Crenshaw, for An Act to provide for the payment of clerks employed by the Comptroller, and Treasurer," was then read a first time, the rules suspended.

It was then read a second time and laid over under the rules.

Mr. McCandless, on leave, introduced a bill for An Act creating a Sabbath day in Tuolumne county, and to provide that the same shall be kept holy.

Which was read a first time, and laid over under the rules.

Mr. McCandless introduced a bill for An Act for the suppression of Drinking Houses and Tippling Shops.

Which was read a first time, the rules suspended.

It was then read a second time, and on motion, referred to select committee of five.

The Chair appointed as such committee, Messrs. McCandless, Fairfax, Oliver, Meredith, and Lee.

Mr. Blake introduced a bill for An Act to provide for the more perfect indexing and classifying of the Land Records of San Francisco.

Which was read a first and second time, and referred to the delegation from San Francisco county.

Mr. Proctor gave notice that he would at some future day, introduce a bill for An Act to abolish houses of ill fame, within the incorporated limits of any town or city in this State.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, March 4, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Carhart, Flower, Heydenfeldt, McFarland, and Tilghman.

The Journal of Thursday last was read, and approved.

On motion, leave of absence was granted for one day to Messrs. Carhart, Flower, and McFarland; and Mr. Wilson had indefinite leave granted.

Mr. Blake presented the memorial of G. M. Bourne, remonstrating against the passage of a law disqualifying all persons from practising medicine and surgery within the limits of this State, who are not possessed of a medical diploma granted by a regularly constituted medical board;

Which was read, and referred to the Committee on State Hospitals.

Mr. Bostwick presented the petition of H. Davis and others, of Nevada

city, praying for the passage of a law to protect building lots on the public lands ;

Which was read, and referred to the Committee on Mines and Mining Interests.

Mr. Crenshaw presented the petition of James Walsh and others, of Grass Valley, praying for the passage of a law to protect building lots on the public lands ;

Which was read, and referred to the Committee on Mines and Mining Interests.

A message was received from the Governor, transmitting a communication from the Surveyor General, in relation to the compilation of the State Map, and asking for a further appropriation of five thousand dollars. (See Senate Appendix, No. 35.)

Which was read, and laid on the table.

A message was received from the Senate, informing the Assembly that they did, on the third instant, pass a substitute for Assembly bill for An Act entitled an Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851.

Senate bill for An Act entitled an Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851, was then read a first and second time, the rules suspended, it was then read a third time, and passed.

Assembly bill for An Act creating a Sabbath Day in Tuolumne county, and providing that the same be kept holy, was then read a second time, and referred to the Tuolumne delegation.

Mr. Knight submitted the following resolution :

Resolved, That a select committee of three be appointed, with instructions to visit Stockton, for the purpose of examining the site selected by the Trustees of the Stockton State Hospital for the erection of the State Insane Asylum at that place, and that they be requested to report upon the same on Thursday next.

On motion, the House then went into committee of the whole (Mr. Wing in the chair) on the consideration of the resolution, and having considered the same, rose and reported it back with an amendment, and recommended its passage.

The amendment reported by the committee was then concurred in.

Mr. Canney moved to indefinitely postpone the resolution, on which the ayes and nays were demanded, and the House refused to indefinitely postpone the resolution by the following vote :

AYES.

Messrs. Bell,
Canney,
Fairfax,
Flower,
Gardner,

Messrs. Lee,
Mandeville,
McGarry,
Myres,
Redding,

Messrs. Garfield,
Herbert,
Heydenfeldt,

Messrs. Snyder,
Smith,
Speaker—16.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Caldwell,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Hally,
Harrison,
Hunt,
Johnson,
Kittredge,
Knight,

Messrs. Leake,
Letcher,
Martin,
McCandless,
McMeans,
Oliver,
Owen,
Proctor,
Robinson,
Sime,
Taylor,
Thomas,
Walker,
Wing,
Yeiser—31.

The question being on the adoption of the resolution, the ayes and nays were demanded, and the resolution was adopted by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Cabaniss,
Caldwell,
Conness,
Cardozo,
Crenshaw,
Estep,
Ewing,
Hally,
Harrison,
Johnson,
Kittredge,
Knight,
Lee,

Messrs. Leake,
Martin,
McCandless,
McMeans,
Oliver,
Owen,
Proctor,
Redding,
Robinson,
Rogers,
Smith,
Thomas,
Walker,
Yeiser—29.

NAYS.

Messrs. Bell,
Canedy,
Covarrubias,
Fairfax,

Messrs. Letcher,
Mandeville,
McGarry,
Moore,

Messrs. Flower,
Gardner,
Garfield,
Herbert,
Hunt,

Messrs. Myres,
Sime,
Snyder,
Taylor,
Speaker—18.

Mr. Hoff asked as a right to have his vote recorded ; he being absent at the commencement of the calling of the roll.

The Chair decided that under the rules his vote could not be recorded.

Mr. Hoff appealed from the decision.

The question then being " Shall the decision of the Chair stand as the opinion of this House ?"

And the decision was sustained.

The Chair appointed as such committee, Messrs. Wing, Cabaniss, and Sime.

Mr. McCandless submitted the following resolution ; which was adopted :

Resolved, That the use of this Hall be tendered to the Governor for the convenience of the entertainment given by him in honor of the inauguration of the President of the United States.

Mr. Robinson submitted a Concurrent Resolution, requesting the Governor to report the amount expended by the relief expedition ;

Which was read and lost.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed—

An Act to ascertain the indebtedness of Mariposa county ;

An Act to authorize the appointment of Book-keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer, and to provide for the payment of Clerks in the State offices.

And the report was adopted.

Mr. Heydenfeldt gave notice that he would move to amend the twenty-first Rule, so as to read as follows :

" No member shall vote on any subject in which he is immediately or particularly interested, or in any case when he was not within the bar of the House when his name was called.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to change the name of Henry Thomas Weatherwax.

Also, Joint Resolution in regard to the World's Industrial Exhibition ; and the report was adopted.

On motion, the bill for An Act creating a Sabbath day in Tuolumne county, and providing that the same shall be kept holy, was ordered not to be printed.

On motion the House then went into committee of the whole, Mr. Tilghman in the chair, on the consideration of Assembly bill for An Act to provide for the payment of Clerks employed by the Comptroller and Treasurer,

and having considered the same, rose, and reported it back, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion, the bill was then laid on the table.

Mr. Canney introduced a bill for An Act to be entitled an Act amendatory of, and supplementary to sections fourth and eighth of an Act entitled an Act concerning Divorces, passed March 25, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Bell introduced a bill for An Act to improve Tule Lands, and to encourage the cultivation of sugar, rice and cotton.

Which was read a first and second time, and on motion of Mr. Hally, referred to a select committee of seven.

The chair appointed as such committee, Messrs. Hally, Kittredge, Harrison, Bell, Smith, Carhart and Owen.

On motion, at 2 o'clock, the House adjourned until Monday next, at 2 o'clock, P. M.

HOUSE OF ASSEMBLY.

MONDAY, March 7, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

Mr. McKamy, of Sonoma county, appeared, was sworn, and took his seat.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, Cabaniss, Carhart, Conness, Cardozo, Covarrubias, Crenshaw, Ewing, Fairfax, Gardner, Garfield, Hally, Herbert, Heydenfeldt, Hoff, Knight, Lee, Leake, Martin, McGarry, McMeans, Moore, Myres, Owen, Robinson, Snyder, Thomas, Tilghman and Wells.

No quorum present.

Mr. Canney moved a call of the House.

Which was sustained.

Messrs. Conness, Crenshaw and Covarrubias appeared and took their seats.

On motion of Mr. Flower, further proceedings under the call were dispensed with.

On motion, leave of absence was granted for one day to Messrs. Hoff, Robinson, Knight, Martin, Bell, Herbert, Thomas, Snyder, Heydenfeldt, Gardner, Fairfax, Hunt, Leake, Myers, Carlezo, McMeans, Cribbins, Ewing, Carhart and Owen, and two days to Messrs. Brush and Hally, and to Mr. Pacheco three days.

The Journal of Friday last was read and approved:

Mr. Harrison asked to be discharged from the select committee, to whom was referred the bill in reference to the Tule Lands, and that Mr. Robinsen be appointed in his stead.

Which was agreed to.

Mr. Proctor presented the claim of Elijah Steele, for \$2183 00, for expenses incurred in suppressing Indian hostilities in the northern part of the State.

Which was read, and referred to the Committee on Indian Affairs.

Mr. Canney presented the petition of the Trustees of the Bemera Female Seminary.

Which was read, and referred to the Committee on Education.

Mr. Bestwick, from the Joint Committee on Enacted Bills, reported that they had this day presented to the Governor, for his approval, Joint Resolution in regard to the World's Industrial Exhibition.

Also, An Act to change the name of Henry Thomas Weatherwax.

And the report was adopted.

Mr. Wing, from the El Dorado delegation, reported back Assembly bill for An Act to repeal an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, so far as it applies to the county of El Dorado, with a substitute entitled An Act to amend an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, approved May 3 1852; and recommended its passage.

The substitute was adopted, and laid on the table.

Mr. Brush, from the Tuolumne delegation, reported back Assembly bill for An Act creating a Sabbath day in Tuolumne county, and to provide that the same shall be kept holy, without amendment, and recommended that it be laid on the table.

The report was adopted, and the bill laid on the table.

A message was received from the Senate, informing the Assembly that they had passed Assembly Concurrent Resolution instructing the Comptroller of State not to issue Warrants on State Prison Contracts.

And had concurred in Assembly amendments to Senate bill for An Act to prevent the establishment of Pest Houses in any town or city in this State.

Mr. Yeiser submitted the following report, which was adopted:

Mr. Speaker:

The Judiciary Committee, to whom was referred An Act to amend an act defining the time for commencing Civil Actions, and An Act to prevent Extortion under color of office, and to enforce official duty, report the same back, and recommend their passage.

They have also considered An Act concerning Repealed Statutes, the passage of which is recommended, with the following amendment to the same: Add at close of the bill, the words, "or part of an act."

Also, that they report back An Act to authorize the Probate Courts of this State to Lease for a term of years, the unimproved lands belonging to the estates of deceased persons, and minors, and An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, which your committee recommend be not passed.

Also, the majority of the committee have instructed me to report back An Act to provide for the removal, in certain cases, of Criminal Prosecutions, from the Courts of Sessions to the District Courts, and to recommend its passage.

Assembly bill for An Act to amend an Act defining the time for commencing Civil Actions was then taken up, and laid upon the table.

Senate bill for An Act to prevent Extortion under the color of office, and to enforce official duty, was then read a third time and passed.

And on the question, "Shall the title stand?" the title was so amended as to read, "An Act to prevent Extortion in office, and to enforce official duty."

Senate bill for An Act concerning Repealed Statutes, was then taken up, amended, read a third time and passed.

Assembly bill for An Act to authorize the Probate Courts of this State to Lease for a term of years the unimproved lands belonging to the estates of deceased persons and minors, was then read a third time, and on the question of its passage, it was lost.

Assembly bill for An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, was then taken up and laid on the table.

Assembly bill for An Act to provide for the removal in certain cases of Criminal Prosecutions, from the Courts of Sessions to the District Courts, was then taken up, and laid on the table.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act concerning Roads and Highways, with an amendment, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. Conness submitted a resolution discharging committee clerks, and authorizing the Chief Clerk to employ two additional Clerks.

Which was read, and laid on the table.

A message was received from the Governor, informing the Assembly that he had this day approved An Act to change the name of Henry Thomas Weatherwax;

Also, Joint Resolution in regard to the World's Industrial Exhibition.

Mr. Redding submitted a resolution authorizing the Clerk of this House to rent a room for Recording the Journal, &c.

Which was read and laid on the table.

Mr. Tilghman introduced a bill for An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1853.

Which was read a first time, and laid over under the rules.

Mr. Flower moved to adjourn.

On which, the ayes and nays were demanded, and the House refused to adjourn, by the following vote:

AYES.

Messrs. Brush,
Carpentier,
Covarrubias,
Crenshaw,
Flower,
Harrison,

Messrs. Kittredge,
Mandeville,
Meredith,
McKamy,
McMahon,
Proctor—12.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Canney,
Conness,
Estep,
Garfield,
Irwin,
Johnson,
Lee,
Letcher,
McCandless,

Messrs. McFarland,
Oliver,
Pacheco,
Reading,
Redding,
Rogers,
Smith,
Tilghman,
Walker,
Wing,
Yeiser,
Speaker—24.

Mr. McCandless submitted a resolution to rescind the resolution tendering the use of this Hall to Miska Hauser for giving two concerts.

Which was read.

Mr Canney moved the indefinite postponement of the resolution.

On which, the ayes and nays were demanded, and the resolution was indefinitely postponed by the following vote:

AYES.

Messrs. Brush,
Canney,
Carpentier,
Covarrubias,
Crenshaw,
Flower,
Garfield,
Harrison,
Lee,
Mandeville,

Messrs. McKamy,
Proctor,
Reading,
Redding,
Sime,
Taylor,
Tilghman,
Walker,
Wing,
Yeiser—20.

NAYS.

Messrs. Blake,	Messrs. Meredith,
Bostwick,	McCandless,
Cabaniss,	McMahon
Conness,	Oliver,
Estep,	Pacheco,
Irwin,	Rogers,
Johnson,	Smith,
Kittredge,	Speaker—17.
Letcher,	

Mr. Cabaniss submitted the following resolution, which was adopted :

Resolved, That the seats and desks of the members of the Assembly shall not be removed except by their consent.

Mr. Irwin submitted the following resolution :

Resolved, That the Sergeant-at-Arms be requested to call on the Mayor, and request him to furnish a room for the use of the Clerk of this House.

Mr. Redding moved to lay the resolution on the table.

On which, the ayes and nays were demanded, and the resolution was laid on the table, by the following vote :

AYES.

Messrs. Blake,	Messrs. Lee,
Bostwick,	McFarland,
Brush,	McKamy,
Carpentier,	Redding,
Conness,	Rogers,
Covarrubias,	Sime,
Crenshaw,	Taylor,
Flower,	Wing,
Garfield,	Speaker—19.
Kittredge,	

NAYS.

Messrs. Canney,	Messrs. McCandless,
Estep,	Oliver,
Harrison,	Proctor,
Irwin,	Reading,
Johnson,	Smith,
Letcher,	Tilghman,
Mandeville,	Walker,
Meredith,	Yeiser—16.

Mr. Carpentier moved to adjourn.

On which, the ayes and nays were demanded, and the House, at 5 o'clock, P. M., adjourned by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Carpentier,
Conness,
Crenshaw,
Flower,
Garfield,
Irwin,
Kittredge,
Lee,
Mandeville,

Messrs. McKamy,
McMahon,
Redding,
Rogers,
Sime,
Taylor,
Walker,
Wing,
Yeiser,
Speaker—21.

NAYS.

Messrs. Blako,
Canney,
Covarrubias,
Estep,
Harrison,
Johnson,
Letcher,

Messrs. Meredith,
McCandless,
McFarland,
Oliver,
Proctor,
Reading,
Tilghman—14.

HOUSE OF ASSEMBLY.

TUESDAY, March 8th, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Cabaniss, Fairfax, Gardner, Herbert, Knight, Leake, McCandless, McFarland, McGarry, McKamy, McMahon, McMeans, Moore, Owen, Robinson, Sims, Wells, Wing and Yeiser.

On motion, leave of absence for one day was granted to Messrs. Wells, Robinson, Gardner and Fairfax; and to Mr. McCandless two days, and to Mr. McKamy indefinite leave was granted.

The Journal of Monday last was read and approved.

Mr. Kittredge, from the Committee on Agriculture, reported back Assembly bill for An Act to amend the seventh section of an Act to prohibit the erection of weirs and other obstructions to the run of salmon, without amendment, and recommended its passage.

The report was adopted;

And the bill was then read a third time and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,)
Benicia, March 7, 1853.)

To the Senate and Assembly of California:

I deem it my duty again to invite your attention to the necessity of presenting to Congress a full history, if attainable, of the collection and disbursement of the "Civil Fund."

It is true that joint resolutions, asserting the justness of the claim of the State of California to the proceeds of the customs collected before her admission into the Union, have heretofore been presented to Congress; but I am now assured that we will certainly fail in obtaining all that is justly due, if we neglect to forward a full and correct history of the character of this claim.

The bill pending in Congress provides only for the re-imbursement of expenditures made by the State prior to her admission into the Union,—a sum much less than the amount collected from her citizens before ports of entry were established, or the appointment of Collectors authorized by Act of Congress.

The erroneous impression prevails that nearly the whole amount of the "Civil Fund" collected before the admission of this State into the Union, was expended by Governor Riley in the civil administration of the then existing Government. So far, however, from this being the case, the Civil Treasurer himself, in a report, dated December 17th, 1849, states that the whole amount of this "Civil Fund" received by him between the 1st of July and the 17th of December, 1849, was a little more than one million and four thousand dollars, loaned or transferred to the military departments of the General Government, leaving in his hands over two hundred and fifty thousand dollars; which sum, by order of the Secretary of War, in the month of January, 1850, was turned over to the proper officers of the Treasury Department, to be held subject to the final action of Congress.

And Capt. W. H. Halleck, who for some time officiated as Secretary of State under Gov. Riley, not only corroborates this statement of the Civil Treasurer in relation to the amount and disposition made of this fund, but presents additional facts of much importance.

Capt. Halleck, in a letter dated Monterey, January 23, 1850, states, that although "most of the disbursements made from this fund were for the expenses of the Civil Government, large sums were loaned to different officers

and departments of the Army and Navy; that all such transfers of money from this fund to military and naval officers were directed to be made as *loans*; and as evidences of these loans, and as security for their payment, drafts on the heads of corresponding Departments in Washington were directed to be taken, and deposited in the place of the money so transferred.

The Civil Treasurer complied with these instructions; and it is believed that the books and papers in his possession contain a correct exhibit of the several sums so loaned or transferred from this fund to officers of the army and navy, and for which drafts were given on the proper Departments.

This fund, having been collected, as before remarked, prior to the extension of the United States Revenue Laws over California, and of course without authority of law, the head of the Treasury Department, it is understood has declined making any disposition of it until specially directed by Act of Congress.

The unexpended balance—amounting to some two hundred and fifty thousand dollars, as well as the several drafts drawn by officers of the army and navy, it is presumed, are still on deposit in the Treasury Department, subject to the action of Congress. In the opinion that the whole of this fund rightfully belongs to the State of California, we are sustained by that of Gov. Riley, during whose administration much of it accumulated, and who was familiar with the circumstances of its collection and disbursement.

In a communication to Major General R. Jones, Adjutant General U. S. Army, Washington City, dated October 1st, 1849, Gov. Riley thus speaks in reference to this fund: "Many have expressed the opinion that these funds should be turned over to the new Government to enable it to go immediately into successful operation. However strongly of the opinion that this money belongs, in justice, to the people of California, I nevertheless shall not deem myself authorized to turn over this money until instructed to do so by direct orders from Washington."

It is therefore conceived to be the duty of the agents of the people of California now to adopt such measures as may be necessary to secure the recognition in full of their rights in this respect. With the view, therefore, of obtaining the information necessary to secure the favorable action of Congress in this matter, I would respectfully recommend the appointment of a joint committee of the Senate and Assembly to make such an investigation of the subject as its great importance demands.

JOHN BIGLER.

On motion of Mr. Redding, the resolution discharging certain committee Clerks, and authorizing the Chief Clerk to employ two additional Clerks, was taken from table.

Mr. Oliver moved a call of the House.

Which was sustained.

The roll was then called, and the following members were absent: Messrs. Bell, Herbert, McGarry, McMeans and Owen.

On motion, the Sergeant-at-Arms was dispatched to bring in the absentees.

On motion of Mr. Heydenfeldt, further proceedings under the call were dispensed with.

Mr. Garfield moved to lay the resolution on the table.

Which was agreed to.

Mr. Canney submitted a Concurrent Resolution constituting the Committees on Federal Relations of both Houses as a Joint Committee on the Governor's message relating to the Civil Fund.

Which was read, and adopted.

Mr. McMahon gave notice that he would, on to-morrow, or at an early day thereafter, introduce a joint Resolution relative to Public Lands and Internal Improvements.

Mr. Fairfax gave notice that he would, at an early day, introduce a bill for An Act to incorporate and provide for the permanent support of High Schools and Academies.

Also, a bill for securing the payment of wages to Cooks, Waiters, &c., of Public Houses.

On motion of Mr. Canney, Assembly bill for An Act to prevent Monopolies that tend to produce Famine, was taken from the table.

On motion of Mr. Heydenfeldt, the House then went into committee of the whole, Mr. Mandeville in the chair, on the consideration of the bill, and having considered the same, rose, and reported it back without amendment, and asked to be discharged from a further consideration of the matter.

Which was granted.

Mr. Mandeville moved to lay the bill on the table.

On which motion the ayes and nays were demanded, and it was decided in the negative by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Carpentier,
Crenshaw,
Flower,
Garfield,
Hoff,
Irwin,
Kittredge,
Lee,

Messrs. Leake,
Mandeville,
Meredith,
McKamy,
McMahon,
Myres,
Oliver,
Rogers,
Thomas,
Speaker—20.

NAYS.

Messrs. Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,

Messrs. Letcher,
Martin,
Moore,
Proctor,
Reading,
Smith,
Taylor,
Tilghman,

Heydenfeldt,
Hunt,
Johnson,

Walker,
Yeiser—21.

Mr. Mandeville moved a call of the House.

Which was sustained.

The roll was called, and the following members were absent: Messrs. Bell, Herbert, Heydenfeldt, McGarry, Owen, Redding and Snyder.

On motion, the Sergeant-at-Arms was dispatched to bring in the absentees.

On motion of Mr. Reading, further proceedings under the call were dispensed with.

Mr. Johnson submitted as a substitute for the bill, An Act to require the owners and consignees, agents and importers of Flour, arriving within this State, to report the same to the Board of Port Wardens of the city of San Francisco, and moved its adoption.

On which the ayes and nays were demanded by Mr. Oliver, and the substitute was adopted by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Canney,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Garfield,
Harrison,
Heydenfeldt,
Johnson,
Letcher,

Messrs. Martin,
Meredith,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—26.

NAYS.

Messrs. Carpentier,
Conne3,
Crenshaw,
Flower,
Hoff,
Irwin,
Kittredge,
Lee,

Messrs. Mandeville,
McGarry,
McKamy,
McMahon,
Myres,
Rogers,
Thomas,
Tilghman—16.

Mr. Heydenfeldt moved to reconsider the vote just taken.

Mr. Johnson moved to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and the motion was indefinitely postponed by the following vote:

AYES.

Messrs. Blake,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Heydenfeldt,
Johnson,

Messrs. Letcher,
Martin,
Owen,
Proctor,
Reading,
Redding,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—22.

NAYS.

Messrs. Bostwick,
Carpentier,
Crenshaw,
Flower,
Hoff,
Irwin,
Kittredge,
Lee,
Mandeville,
Meredith,

Messrs. McGarry,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Rogers,
Thomas,
Tilghman—19.

Mr. Flower submitted an amendment to the bill.

Which was adopted.

Mr. Crenshaw moved to lay the bill on the table.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Bostwick,
Carpentier,
Crenshaw,
Ewing,
Heydenfeldt,
Hoff,
Irwin,
Johnson,
Kittredge,
Lee,
Mandeville,

Messrs. Meredith,
McGarry,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Thomas—21.

NAYS.

Messrs. Blake,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Flower,
Harrison,
Hunt,

Messrs. Letcher,
Martin,
Proctor,
Reading,
Redding,
Smith,
Taylor,
Walker,
Yeiser—18.

Mr. Johnson moved to reconsider the vote just taken.

Mr. Johnson moved a call of the House.

On which the ayes and nays were demanded, and the call was sustained by the following vote :

AYES.

Messrs. Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Estep,
Flower,
Harrison,
Heydenfeldt,
Hunt,
Johnson,
Letcher,

Messrs. Mandeville,
Martin,
Myres,
Owen,
Proctor,
Reading,
Redding,
Rogers,
Smith,
Taylor,
Walker—23.

NAYS.

Messrs. Blake,
Carpentier,
Crenshaw,
Ewing,
Hoff,
Irwin,
Kittredge,
Lee,

Messrs. Meredith,
McKamy,
McMahon,
Moore,
Oliver,
Thomas,
Yeiser—15.

Mr. Mandeville moved to reconsider the vote just taken.

Mr. Johnson moved to indefinitely postpone the motion to reconsider.

Mr. Myres moved to lay the motion to indefinitely postpone on the table.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Blake,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Flower,
Ho. f,
Hunt,
Johnson,
Letcher,

Messrs. Mandeville,
Martin,
Meredith,
McGarry,
McMahon,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Taylor,
Walker—27.

NAYS.

Messrs. Carpentier,
Harrison,
Heydenfeldt,
Irwin,
Kittredge,

Messrs. Lee,
McKamy,
Moore,
Rogers,
Thomas—10.

Pending further consideration of the bill, on motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 9, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :
Messrs. Heydenfeldt, Knight, McMahon, Reading of Trinity, and Robinson.

On motion, leave of absence was granted for two days to Mr. Hally, and for four days to Mr. Robinson, and indefinite leave was granted to Mr. Wells.

The Journal of Tuesday last was read and approved.

Mr. Bostwick from the Committee on Enrolled Bills reported as correctly enrolled,

A Joint Resolution in relation to the Harbor of Santa Cruz ;

Also, An Act to prevent the establishment of Pest Houses in any town, city, or village, in this State ;

Also, Concurrent Resolution instructing the Comptroller of State not to issue warrants on State Prison Contract.

And the report was adopted.

Mr. Fairfax, from the Committee on Education, reported back Senate bill for An Act to create an Historical Society for the State of California.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" it was lost.

The following message was received from the Governor, was read, and with the accompanying documents referred to the Judiciary Committee.

EXECUTIVE DEPARTMENT, }
Benicia, March 9, 1853. }

To the Senate and Assembly of California:

I have the honor herewith to transmit a communication received on the 8th instant, from Hon. S. C. Hastings, Attorney-General of the State, enclosing copies of leases executed on the 27th day of November, 1849, by Capt. E. W. Keyes, of the U. S. army, commanding at San Francisco.

It appears from the communication of the Attorney-General that the District Attorney of the United States has instituted proceedings to recover rents stipulated to be paid, and to cancel these leases, the same having become void, in consequence of the failure of the lessees to pay the rent, and that he is willing, with the consent of the Attorney-General, to make the State a party in order that her rights in the premises may be adjudicated upon and definitely ascertained.

The property described in these leases is known as the "Government Reservation," and in relation to which the second section of the Water Lot Act of March 26, 1851: *Provided*, that any estate held by virtue of any lease or leases executed or confirmed by any officer of the United States, in behalf of the same, shall be and are hereby granted and confirmed to the lessees thereof.

In this connection it is proper to state that it is the opinion of the Attorney-General, and in which opinion he assures me the District Attorney of the United States concurs, that no officer of the United States army had authority to make such leases, and, therefore, that no estate was originally granted or created by them; and furthermore, that there was no estate held by the lessees at the time of the passage of the Act of 1851.

If, however, the Act of 1851 is construed to be a lease on the part of the State, the lessees remain subject to the terms, conditions and forfeitures specified in the said leases. Both the leases accompanying the com-

munication of the Attorney-General, it will be seen on examination, provide, in express terms, that "in default of the payment of the rent stipulated within the year for which it shall become due, the lease to become null and void." With the knowledge that these leases contain this provision, it is not probable that the District Attorney of the United States would institute proceedings for the recovery of back rents, and to cancel the leases, if the lessees had not failed to comply with their requirements.

It is the opinion of the Attorney-General, who has carefully examined the question involved, that if these leases are declared forfeited, the property described in them will at once be subject to the control and disposition of the Legislature. And if these leases are void in their inception from want of authority in the lessor, as maintained by the Attorney-General, it is the duty of the agents of the State to adopt measures to secure and protect her rights.

The property in question is very valuable, and if it justly belongs to the State, it is time it was placed under the control of her agents, and the revenues accruing therefrom paid into the State Treasury.

I would therefore respectfully recommend that the Attorney-General be authorized, by special act, to take all necessary steps to secure the rights of the State in the premises.

JOHN BIGLER.

(See Senate Appendix, No. 36.)

The following message was received from the Senate:

Mr. Speaker:

The Senate this day concurred in Assembly amendment to Senate bill for An Act to prevent Extortion in office, and to enforce official duty;

And passed on 3d inst., An Act for the relief J. D. Monnett, M. D., for services rendered Sick Emigrants;

And a bill for An Act to amend an Act, passed 15th March, 1851 entitled an Act to provide for the Translation of the Laws into the Spanish language, and also, to amend an Act passed April 24, 1852, of the same title.

The Governor approved on the 3d inst., An Act supplementary to an Act concerning Crimes and Punishments, passed April 16th, 1850;

An Act to amend an Act concerning Crimes and Punishments, passed April 16th, 1850;

And An Act concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado County.

The Senate passed, on the 4th inst., Assembly bill, An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, with an amendment;

And passed, on the 3d inst., a bill for An Act to authorize the State Treasurer to issue five duplicate School Land Warrants, as a substitute to Assembly bill authorizing the State Treasurer to issue a duplicate School Land Warrant to S. C. Hastings;

And passed on 2d inst., An Act to Fund the Debt of Los Angeles County, and to provide for the payment thereof;

And on the 4th inst., An Act to unite the offices of County Clerk and Recorder of Tulare County;

And on the 5th inst., An Act for the relief of Taaffe & McCahill, for carpeting, &c.

By order of the Senate :

A. C. BRADFORD,
Secretary of the Senate.

8th March, 1853.

Senate amendment to Assembly bill for An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, was then taken up, and non-concurred in.

Senate bill for An Act to authorize the State Treasurer to issue five duplicate School Land Warrants, was then read a first and second time, and referred to the Judiciary Committee.

Senate bill for An Act to Fund the Debt of Los Angeles County, and provide for the payment thereof, was then read a first and second time, and referred to the delegation from Los Angeles County.

Senate bill for An Act to be entitled An Act to unite the offices of County Clerk and Recorder of Tulare County, was then read a first and second time, and referred to the Mariposa and Tulare delegation.

Senate bill for An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c., was then read a first and second time, and referred to the Committee on Claims.

Senate bill for An Act for the relief of J. D. Monnett, M. D., for services rendered Sick Emigrants, was then read a first time, and laid over under the rules.

Senate bill for An Act to amend an Act passed 15th March, 1851, entitled an Act to provide for the Translation of the Laws into the Spanish language, and also to amend an Act passed April 24, 1852, of the same title, was then read a first and second time, and referred to Messrs. McFarland, Covarrubias and Pacheco.

Mr. Canney introduced a bill for An Act providing for the disposition of certain property.

Which was read a first and second time, and on motion, referred to a select committee of three.

The Chair appointed as such committee, Messrs. Canney, Garfield and Heydenfeldt.

Mr. McFarland introduced a bill for An Act supplementary to an Act to Incorporate the City of Los Angeles, passed April 4, 1850.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. McMahon, agreeably to notice, introduced a Joint Resolution relative to Public Lands and Internal Improvements.

Which was read a first and second time, and referred to the Committee on Public Lands.

Mr. Smith, on leave, introduced a bill for An Act to legalize certain official acts of William J. Lewis, County Surveyor for the County of Santa Clara.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Gardner, from the Committee on Mines and Mining Interests, submitted the following report. (See Appendix, No. 28.)

Which was adopted, and 3,600 ordered to be printed.

Assembly bill for An Act to provide for the protection of Foreigners and to define their liabilities and privileges, reported by the Committee on Mines and Mining Interests, was then read a first and second time and laid on the table.

Mr. Gardner from the Committee on Mines and Mining Interests submitted the following report. (See Appendix, No. 28.)

Which was read, laid on the table, and subsequently thirty-six hundred copies ordered printed.

Mr. Hoff, from the minority of the Committee on Mines and Mining Interests, submitted the following report. (See Appendix, No. 28.)

Which was laid on the table, and three thousand six hundred copies ordered printed.

Mr. Cabaniss, from a minority of the Committee on Mines and Mining Interests, submitted the following report. (See Appendix, No. 28.)

Which was laid on the table, and thirty-six hundred copies ordered printed.

Mr. Yeiser introduced a bill for An Act declaratory of the effect of the repeal of criminal laws.

Which was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for An Act to require the owners, consignees, agents, and importers of Flour arriving within this State, to report the same to the the Board of Port Wardens of the city of San Francisco, was then taken up.

Mr. Mandeville moved to amend by adding the following :

SEC. 4. All or any combination or combinations of persons in this State, for the purpose of monopolizing Flour, Meal, Pork, Beef, Beef Cattle, or any other article or thing ordinarily used for the sustenance of man, so as to cause any or either of such articles to command an exorbitant price or prices from the consumers, shall be deemed conspirators against the public good; and any and all persons entering into or being engaged or interested in such combination or association, knowing the object of the same, their agents or abettors, associates or confederates, shall be deemed conspirators against the public good; and upon conviction before a Court of competent jurisdiction, be deemed guilty of felony, and be punished by sentence to hard labor in the penitentiary for a term not less than one nor more than five years; and every person so offending shall be fined not less than one thousand dollars for each offence.

SEC. 5. Every person or persons acting within this State, as agent or agents for any capitalist, association or combination without this State, their sub-agents or abettors, who shall monopolize Flour, Meal Pork, Beef, or Beef Cattle, or any other article or thing ordinarily useful for the sustenance of man, so as to cause any or either of such articles to command an exorbitant price or prices from the consumer, shall be deemed a conspirator or conspirators against the public good, and upon conviction

thereof, before a Court of competent jurisdiction, be deemed guilty of a felony and be punished by sentence to hard labor in the Penitentiary for a term not less than one nor more than five years, and every person so offending shall be fined not less than one thousand dollars for each offence.

The question then being on the adoption of the amendments, the ayes and nays were demanded.

And the House refused to adopt by the following vote:

AYES.

Messrs. Crenshaw,
Hoff,
Kittredge,
Leake,
Mandeville,
Meredith,

Messrs. McMahon,
McMeans,
Myres,
Rogers,
Thomas,
Yeiser—12.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Caldwell,
Canney,
Carhart,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Harrison,
Herbert,
Heydenfeldt,

Messrs. Hunt,
Johnson,
Lee,
Letcher,
Martin,
McFarland,
McGarry,
Moore,
Owen,
Proctor,
Reading,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Walker,
Speaker—36.

The question then being, "Shall the bill be read a third time now?"

The ayes and nays were demanded, and decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Cabaniss,
Caldwell,
Canney,

Messrs. Letcher,
Martin,
McFarland,
McMeans,
Moore,

Messrs. Carhart,
 Conness,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Estep,
 Ewing,
 Fairfax,
 Gardner,
 Harrison,
 Herbert,
 Heydenfeldt,
 Hunt,
 Johnson,

Messrs. Myres,
 Owen,
 Proctor,
 Reading,
 Redding,
 Rogers,
 Sime,
 Smith,
 Thomas,
 Tilghman,
 Walker,
 Yeiser,
 Speaker—37.

NAYS.

Messrs. Blake,
 Carpentier,
 Flower,
 Hoff,
 Kittredge,
 Lee,
 Leake,

Messrs. Mandeville,
 Meredith,
 McGarry,
 McMahon,
 Oliver,
 Snyder,
 Taylor—14.

Mr. Oliver moved to lay the bill on the table.

Which was not agreed to.

Mr. Sime moved to indefinitely postpone the bill.

On which the ayes and nays were demanded, and decided in the negative by the following vote :

AYES.

Messrs. Blake,
 Cabaniss,
 Cardozo,
 Covarrubias,
 Flower,
 Garfield,
 Harrison,
 Lee,
 Letcher,

Messrs. Martin,
 McGarry,
 Proctor,
 Reading,
 Sime,
 Snyder,
 Smith,
 Taylor—17.

NAYS.

Messrs. Bostwick,
 Canney,
 Carhart
 Carpentier,
 Conness,

Messrs. Mandeville,
 Meredith,
 McFarland,
 McKamy,
 McMahon,

Messrs. Crenshaw,

Estep,
Ewing,
Fairfax,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Kittredge,
Leake,

Messrs. McMeans,

Moore,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Thomas,
Tilghman,
Yeiser,
Speaker—33.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the House refused to pass the bill by the following vote :

AYES.

Messrs. Bostwick,

Crenshaw,
Ewing,
Herbert,
Hoff,
Hunt,
Johnson,
Kittredge,
Lee,
Leake,
Martin,
McFarland,

Messrs. McKamy,

McMahon
Moore,
Myres,
Oliver,
Owen,
Proctor,
Redding,
Rogers,
Thomas,
Yeiser,
Speaker—24.

NAYS.

Messrs. Blake,

Cabaniss,
Canney,
Carhart,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Estep,
Fairfax,
Flower,
Gardner,
Garfield,
Harrison,

Messrs. Heydenfeldt,

Letcher,
Mandeville,
Meredith,
McGarry,
McMeans,
Reading,
Sime,
Snyder,
Smith,
Taylor,
Tilghman,
Walker—27.

The following message was received from the Senate :

Mr. Speaker :

The Senate concurred yesterday in Assembly amendments to Senate bill for An Act concerning repealed statutes.

And passed, An Act to amend an Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

And on 7th inst., a bill for the payment of certain persons therein named, for services rendered and material furnished.

And on the 8th inst., a Concurrent Resolution to appoint a Joint Committee on the Civil Fund, and have appointed on the part of the Senate Messrs. Estill, Catlin, Foster, Wombough, and Snyder.

By order of the Senate.

A. C. BRADFORD,
Secretary.

March 9th, 1853.

Senate Concurrent Resolution to appoint a Joint Committee on the Civil Fund, was then read, and concurred in.

The Chair appointed as the committee on the part of the House, Messrs. McMeans, Heydenfeldt, Canney, Thomas, and McMahon.

Senate bill for An Act to amend an Act to provide for the protection of Foreigners and to define their liabilities and privileges, was then read a first and second time, and referred to the Committee on Mines and Mining Interests.

Senate bill for An Act for the payment of Certain Persons therein named, for services rendered and materials furnished, was then read a first time, and laid over under the rules.

Mr. Heydenfeldt agreeably to notice, moved to amend the 21st rule of this House so as to read as follows :

No member shall vote on any question in the event of which he is immediately or particularly interested, or in any case when he was not within the bar of the House when his name was called.

And the amendment was adopted.

Mr. Johnson submitted a resolution requesting the Committee on Counties and County Boundaries to report as to the expediency of revising the laws defining County Boundaries.

Assembly bill for An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852, was then read a second time, and referred to the Committee on Commerce.

On motion, at 3 o'clock P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, March 10, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—Messrs. Myres and Tilghman.

On motion, leave of absence was granted to Mr. Myres for two days.

The Journal of Wednesday last was read and approved.

Mr. Smith presented the petition of citizens of Santa Clara and Contra Costa counties, praying for the erection of a new county, to be called Alameda, out of territory now belonging to those counties.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Snyder presented the memorial of the merchants of San Francisco against the passage of An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California.

Which was referred to the Committee on Commerce.

Mr. Brush, from a majority of the Committee on Elections, submitted the following report. (See Appendix, No. 29.)

Which was read.

Mr. Flower, from a minority of the Committee on Elections, submitted the following report. (See Appendix, No. 30.)

Which was read.

On motion of Mr. Johnson, the foregoing reports, together with the testimony in the case, were referred to the committee of the whole, and made the special order for 7 o'clock, this evening.

Mr. Crenshaw, from the Committee on Claims, reported back Assembly bill for An Act for the relief of Calvin Valpey, with a substitute under a similar title, and recommended that it be passed.—

The substitute was adopted, and laid on the table.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c., with a recommendation that the same be passed.

The House then went into committee of the whole, (Mr. Wing in the chair,) on the consideration of the bill; and having considered the same, rose, and reported it back, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, submitted the following report, which was read:

Mr. Speaker :

The Judiciary Committee have had under consideration Senate bill No. 86, entitled An Act to authorize the State Treasurer to issue five duplicate School Land Warrants. Said bill is a substitute for an Assembly bill, and the rejection of the bill is recommended.

They have also considered An Act to be entitled an Act amendatory of and supplementary to sections 4 and 8 of an Act entitled an Act concerning Divorces, passed March 25, 1851, and recommended its passage.

Also, they have examined An Act to legalize certain official acts of William J. Lewis, County Surveyor for the county of Santa Clara, the passage of which is recommended, with the following amendment :

Add as Section 2.—The said William J. Lewis shall qualify as County Surveyor of said county within twenty days after the passage of this Act.

Also, that they have considered An Act for the punishment of the crimes of Adultery and Polygamy, and report the same back, with the recommendation that it be referred to a committee of the whole house.

FRED. YEISER,
Chairman.

March 9, 1853.

Senate bill for An Act to authorize the State Treasurer to issue five duplicate School Land Warrants, was then taken up, read a third time, and, on the question of its final passage, was lost.

Assembly bill for An Act to be entitled an Act amendatory of and supplementary to sections fourth and eighth of an Act entitled an Act concerning Divorces, passed March 25, 1851, was then taken up, read a third time, and passed.

Assembly bill for An Act to legalize certain official acts of Wm. J. Lewis, County Surveyor of the county of Santa Clara, was then taken up, amended, read a third time, and re-committed, with special instruction, to the Judiciary Committee.

Assembly bill for An Act for the punishment of the crimes of Adultery and Polygamy, was then taken up, and, on motion of Mr. Canney, laid on the table.

Mr. Ewing, from the Committee on Counties and County Boundaries, to whom was referred Assembly bill "to change and define the boundaries of Trinity and Klamath counties, and to establish a new county to be called the county of Humboldt, reported back as a substitute a bill for An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humboldt, and recommended its passage.

The substitute was adopted, and, on motion of Mr. Redding of Yuba, referred to a select committee of five, and ordered not to be printed.

The Chair appointed as such committee, Messrs. Redding of Yuba, Cabaniss, Reading of Trinity, Hoff, and Rogers.

Mr. Ewing, from the Committee on Counties and County Boundaries, submitted the following report, which was read, and adopted.

Mr. Speaker :

The undersigned, the Committee on Counties and County Boundaries, have examined the subject matter embraced within the accompanying resolution, which passed this House yesterday, and beg leave to report, that in the opinion of your committee, the suggestions embraced within the resolution should be complied with.

Your committee believe that if the various legislative enactments, defining the limits of the several counties of this State, were revised under the supervision of the committee and the Surveyor-General, that much good would result to the State and the people of the counties.

Your committee would remark, that the Surveyor-General is now preparing a map of this State, and it is his especial desire that the above should be complied with.

W. P. EWING,
T. T. CABANISS,
JEFFERSON HUNT.

Mr. Fairfax, from the Committee on Education, to whom was referred the memorial of the Trustees of the Benicia Female Seminary, reported the same back, with a recommendation that a bill be passed in compliance with the prayer of the memorialists.

The report and memorial was re-committed to the Committee on Education, with instruction to report a bill.

Mr. Heydenfeldt submitted the following report, which was adopted, and the committee discharged :

Mr. Speaker :

The Committee of Free Conference, appointed by the House to confer with a similar committee on the part of the Senate, with regard to the appointment of a joint committee on the apportionment bill, beg leave to report that they have at different times met such committee of the Senate, and that they cannot agree in any particular.

Your committee, therefore, ask to be discharged from the further consideration of the subject, and recommend that the Committee of Conference, so far as the House is concerned, be dissolved.

Respectfully submitted,

E. HEYDENFELDT,
Chairman.

B. B. REDDING,
JOHN T. HOFF.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly bill for An Act entitled an Act for the better regulation of Pilots for the Bar and Harbor of Humboldt Bay, and recommended that the same be passed.

The bill was then considered, and ordered engrossed for a third reading.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as

correctly enrolled An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c.

And that they had this day presented to the Governor, for his approval, Joint Resolution in relation to the Harbor of Santa Cruz ; also,

An Act to prevent the establishment of Pest Houses within the limits of any town or city in this State.

And the report was adopted.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to amend the seventh section of an Act to prohibit the erection of weirs or other obstruction, to the run of Salmon, approved April 12th, 1852.

Mr. Herbert, from the Mariposa and Tulare Delegation, to whom was referred Senate bill for An Act to be entitled an Act to unite the offices of County Clerk and Recorder of Tulare county, reported the same back, with a recommendation that it be passed.

The report was adopted, and the bill read a third time and passed.

Mr. McCandless presented the petition of citizens of San Joaquin county, praying for a law to prevent hogs running at large.

Which was read, and referred to the Committee on Agriculture.

Mr. McFarland, from the Delegation from Los Angeles, to whom was referred Senate bill for An Act to Fund the Debt of Los Angeles county and provide for the payment thereof, reported the same back, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Canney submitted a Concurrent Resolution to appoint a Joint Committee of the two Houses to draft and report a bill apportioning the State into Senatorial and Assembly Districts.

Which was read and adopted.

And the Chair appointed, as the committee on the part of the House, Messrs. Canney, Redding of Yuba, Garfield, Snyder, Cabaniss and McFarland.

Mr. Cabaniss submitted a resolution authorizing the Committee on Counties and County Boundaries to employ a clerk.

Which was read and adopted.

On motion of Mr. Redding, the resolution empowering the Chief Clerk to rent a room for recording Journals, &c., was taken from the table, read, and adopted.

Mr. Fairfax moved to reconsider the vote of yesterday, by which the House refused to pass Assembly bill for An Act to require the owners and consignees, agents and importers of Flour arriving within this State, to report the same to the Board of Port Wardens of the city of San Francisco.

On which the ayes and nays were demanded, and the vote was reconsidered by the following vote.

(Howling)

AYES.

Messrs. Bell,
Blake,
Bostwick,
Canney,

Messrs. Mandeville,
Meredith,
McCandless,
McGarry,

Messrs. Crenshaw,
 Estep,
 Fairfax,
 Harrison,
 Herbert,
 Hoff,
 Johnson,
 Kittredge,
 Lee,
 Leake,

Messrs. McMahon,
 Moore,
 Oliver,
 Owen,
 Redding,
 Rogers,
 Smith,
 Thomas,
 Wing,
 Yeiser—28.

NAYS.

Messrs. Brush,
 Cabaniss,
 Caldwell,
 Carhart,
 Conness,
 Cardozo,
 Flower,
 Gardner,
 Heydenfeldt,

Messrs. Hunt,
 Letcher,
 Martin,
 Proctor,
 Reading,
 Sime,
 Snyder,
 Taylor,
 Tilghman—18.

Mr. Crenshaw moved to lay the bill on the table, and make it the special order for Saturday next, at two o'clock, P. M.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote :

AYES.

Messrs. Blake,
 Flower,
 Harrison,
 Heydenfeldt,
 McCandless,

Messrs. McMeans,
 Sime,
 Snyder,
 Smith—9.

NAYS.

Messrs. Bell,
 Bestwick,
 Brush,
 Cabaniss,
 Caldwell,
 Canney,
 Carhart,
 Conness,
 Cardozo,
 Crenshaw,
 Ewing,
 Fairfax,

Messrs. Letcher,
 Mandeville,
 Martin,
 Meredith,
 McFarland,
 McGarry,
 McMahon,
 Moore,
 Oliver,
 Owen,
 Proctor,
 Reading,

Messrs. Herbert,
Hoff,
Hunt,
Johnson,
Kittredge,
Leake,

Messrs. Redding,
Rogers,
Taylor,
Thomas,
Tilghman,
Wing—36.

Mr. McMeans moved the previous question.

On which the ayes and nays were demanded, and it was sustained by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Cabaniss,
Caldwell,
Carhart,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Gardner,
Herbert,
Hoff,
Kittredge,

Messrs. Lee,
Leake,
Mandeville,
Meredith,
McFarland,
McMahon,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Thomas,
Tilghman,
Yeiser,
Speaker—30.

NAYS.

Messrs. Canney,
Conness,
Flower,
Harrison,
Hunt,
Johnson,
Letcher,
Martin,
McCandless,

Messrs. McGarry,
Moore,
Proctor,
Reading,
Sime,
Snyder,
Smith,
Taylor,
Wing—18.

The main question was then put by the chair.

On which the ayes and nays were demanded, and the bill passed by the following vote :

AYES.

Messrs. Bell,
Blake,
Canney,

Messrs. Meredith,
McFarland,
McGarry,

Messrs. Crenshaw,
 Estep,
 Ewing,
 Fairfax,
 Herbert,
 Hoff,
 Hunt,
 Johnson,
 Kittredge,
 Leake,
 Mandeville,

Messrs. Meredith,
 McMahon,
 McMeans,
 Moore,
 Oliver,
 Owen,
 Redding,
 Rogers,
 Thomas,
 Yeiser,
 Speaker—28.

NAYS.

Messrs. Brush,
 Cabaniss,
 Caldwell,
 Carhart,
 Conness,
 Cardozo,
 Flower,
 Gardner,
 Harrison,
 Heydenfeldt,
 Letcher,

Messrs. Martin,
 McCandless,
 Proctor,
 Reading,
 Sime,
 Snyder,
 Smith,
 Taylor,
 Tilghman,
 Wing—21.

Mr. Oliver moved to reconsider the vote just taken.

Mr. Conness moved to lay that motion on the table.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote :

AYES.

Messrs. Canney,
 Conness,
 Cardozo,
 Flower,
 Gardner,
 Heydenfeldt,
 Letcher,
 Martin,

Messrs. McCandless,
 Reading,
 Sime,
 Snyder,
 Smith,
 Taylor,
 Tilghman,
 Wing—16.

NAYS.

Messrs. Bell,
 Blake,
 Brush,
 Cabaniss,
 Caldwell,
 Carhart,

Messrs. Lee,
 Leake,
 Mandeville,
 Meredith,
 McFarland,
 McGarry,

Messrs. Crenshaw,	Messrs. McMahon,
Estep,	McMeans,
Ewing,	Oliver,
Fairfax,	Owen,
Harrison,	Proctor,
Herbert,	Redding,
Hoff,	Rogers,
Hunt,	Thomas,
Johnson,	Yeiser—31.
Kittredge,	

Mr. Canney gave notice that he would, at an early day, introduce a bill in relation to contested election cases.

Mr. McMahon gave notice that he would, at an early day, introduce a bill to provide for the more effectual distribution of the Laws, Journals and Public Documents of the State of California.

Mr. Smith, on leave, introduced a bill for An Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization.

Which was read a first and second time, and referred to the Committee on Counties and County Boundaries, and ordered not to be printed.

Mr. Reading, of Trinity, gave notice that he would, at an early day, introduce a bill to provide for the construction of a Wagon Road from Clear Creek, in Shasta County, to Weaverville, Trinity county.

The following message was received from the Senate :

Mr. Speaker :

The Senate concurred, yesterday, in Assembly Concurrent Resolution to appoint a Joint Committee on the Translation of Laws into Spanish, and have appointed on the part of the Senate, Messrs. Foster, Roach and De la Guerra.

And passed Assembly bill for An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4, 1852.

And indefinitely postponed Assembly bill for An Act to abolish the Superior Court of the city of San Francisco, to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of the said Court.

And passed on the 8th inst., An Act to repeal an Act in relation to the city of San Francisco, passed May 1, 1851.

That the Senate, this day, appointed as committee of Conference on the disagreeing vote of the two Houses on Assembly bill for An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, Messrs. Walton, Smith and Walkup.

By order of the Senate,

A. C. BRADFORD,

Secretary Senate.

March 10, 1853.

Senate bill for an Act to repeal an Act in relation to the city of San Francisco, was then taken up, read a first and second time ; and on further consideration of the same,

Mr. Flower moved the following as an amendment : strike out all after the enacting clause, and insert " that the second section of the Act entitled an Act in relation to the city of San Francisco, passed May 1, 1851, be, and the same is hereby repealed.

On which the ayes and nays were demanded, and the House refused to adopt the amendment by the following vote :

AYES.

Messrs. Cabaniss,
Conness,
Crenshaw,
Estep,
Fairfax,
Flower,
Harrison,
Johnson,
Letcher,

Messrs. Martin,
McCandless,
McGarry,
Proctor,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser—18.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Cardozo,
Covarrubias,
Ewing,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Kittredge,
Lee,
Leake,

Messrs. Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Tilghman,
Walker,
Wing,
Speaker—30.

Mr. Sime moved to commit the bill to the Judiciary Committee.

On which the ayes and nays were demanded, and decided in the negative by the following vote :

AYES.

Messrs. Cabaniss,
Conness,
Crenshaw,
Estep,

Messrs. Fairfax,
Flower,
Harrison,
Johnson,

Messrs. Letcher,
Martin,
McCandleas,
McGarry,
Proctor,

Messrs. Sime,
Snyder,
Taylor,
Thomas,
Yeiser—18.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Cardozo,
Covarrubias,
Ewing,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Lee,
Leake,

Messrs. Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Tilghman,
Walker,
Wing,
Speaker—31.

Mr. McMeans moved that the rules be suspended, and that the bill be read a third time now.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Carhart,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Lee,
Leake,

Messrs. Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Reading,
Redding,
Rogers,
Smith,
Thomas,
Tilghman,
Walker,
Wing,
Speaker—35.

NAYS.

Messrs. Cabaniss,
Conness,
Crenshaw,
Estep,
Flower,
Harrison,
Johnson,
Letcher,

Messrs. Martin,
McCandless,
McGarry,
Proctor,
Sime,
Snyder,
Taylor,
Yeiser—16.

Mr. Taylor moved a call of the House.

On which the ayes and nays were demanded, and decided in the negative by the following vote :

AYES.

Messrs. Cabaniss,
Canney,
Carhart,
Conness,
Crenshaw,
Estep,
Flower,
Harrison,
Johnson,
Letcher,
Mandeville,

Messrs. Martin,
McCandless,
McFarland,
McGarry,
Proctor,
Reading,
Redding,
Sime,
Snyder,
Taylor,
Yeiser—22.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,

Messrs. Leake,
Meredith,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Rogers,
Smith,
Thomas,
Tilghman,
Walker,
Wing,
Speaker—28.

The bill was then read a third time.

And on the question "shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote :

AYES.

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,
 Canney,
 Carhart,
 Cardozo,
 Covarrubias,
 Ewing,
 Fairfax,
 Gardner,
 Herbert,
 Heydenfeldt,
 Hoff,
 Hunt,
 Kittredge,
 Leake,
 Mandeville,

Messrs. Meredith,
 McCandless,
 McFarland,
 McKamy,
 McMahon,
 McMeans,
 Oliver,
 Owen,
 Reading,
 Redding,
 Rogers,
 Smith,
 Thomas,
 Tilghman,
 Walker,
 Wing,
 Speaker—35.

NAYS.

Messrs. Cabaniss,
 Conness,
 Crenshaw,
 Estep,
 Flower,
 Harrison,
 Johnson,
 Letcher,

Messrs. Martin,
 McGarry,
 Proctor,
 Sime,
 Snyder,
 Taylor,
 Yeiser—15.

Mr. Wall moved to reconsider the vote just taken.

Mr. Brush moved to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
 Blake,
 Brush,
 Canney,
 Cardozo,
 Covarrubias,
 Ewing,
 Fairfax,
 Gardner,
 Herbert,
 Heydenfeldt,

Messrs. Mandeville,
 Meredith,
 McFarland,
 McKamy,
 McMahon,
 McMeans,
 Oliver,
 Owen,
 Redding,
 Rogers,
 Sime,

Messrs. Hoff,
Hunt,
Johnson,
Kittredge,
Leake,

Messrs. Smith,
Tilghman,
Walker,
Wing,
Speaker—32.

NAYS.

Messrs. Bostwick,
Cabaniss,
Carhart
Conness,
Crenshaw,
Estep,
Flower,
Harrison,
Letcher,

Messrs. Martin,
McCandless,
McGarry,
Proctor,
Reading,
Snyder,
Taylor,
Thomas,
Yeiser—18.

Mr. Heydenfeldt moved to reconsider the vote just taken.

Mr. Conness moved to lay the motion on the table.

Mr. Wall moved to indefinitely postpone the motion to lay on the table.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Canney,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
McMeans,
McMahon,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Walker,
Wing,
Speaker—30.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Flower,
Harrison,

Messrs. McGarry,
Proctor,
Reading,
Sime,
Taylor,

Messrs. Johnson,
Letcher,
Martin,

Messrs. Thomas,
Yeiser—15.

On motion, at 5 o'clock, P. M., the House took a recess until half-past seven, P. M.

HALF-PAST 7, P. M.

The House re-assembled.

Mr. Fairfax moved that a committee of three be appointed, on the part of the Assembly, to confer with a similar committee on the part of the Senate, on the disagreeing vote of the two Houses on the Assembly Joint Resolution concerning the Historical Society of the State of California.

Which was agreed to.

The Chair appointed, as such committee, Messrs. Fairfax, Heydenfeldt and Garfield.

Mr. Wing moved that a committee of three be appointed to confer with a similar committee on the part of the Senate, on the disagreeing vote of the two Houses on Assembly bill for An Act to provide for the contingent expenses of the Supreme Court and State Officers.

Which was agreed to.

The Chair appointed Messrs. Wing, Canney and Conness as such committee.

On motion of Mr. Sime, the House then went into committee of the whole, (Mr. Canney in the chair,) on the case of contested seat of Clark *vs.* Carpentier; and having considered the same, rose, and reported it back to the House, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. Crenshaw, the contestant and the counsel of the parties were admitted to take seats within the bar of the House.

Mr. Crenshaw, at 11 o'clock, P. M., moved to adjourn.

On which the ayes and nays were demanded, and the House adjourned by the following vote:

AYES.

Messrs. Cabaniss,
Carhart,
Conness,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Harrison,
Herbert,

Messrs. Leake,
Letcher,
Mandeville,
Martin,
McFarland,
McGarry,
McKamy,
McMeans,
Reading,
Rogers,
Sime,

Messrs. Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Lee,

Messrs. Smith,
Thomas,
Tilghman,
Walker,
Yeiser—32.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Cardozo,
Ewing,
Meredith,

Messrs. McCandless,
Oliver,
Proctor,
Redding,
Taylor,
Wing,
Speaker—14.

HOUSE OF ASSEMBLY.

FRIDAY, March 11, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Covarrubias, Gardner, Heydenfeldt, Lee, McCandless, McGarry and Moore.

On motion, leave of absence was granted to Messrs. Hally and Myers for two days each.

The Journal of Thursday last was read and approved.

Mr. Ewing, from the Committee on Counties and County Boundaries, reported back Assembly bill for An Act to create the County of Alameda, and establish the seat of Justice therein—to define its boundaries and provide for its organization, and recommended that the same be passed.

The report was adopted, and the bill considered and amended.

Mr. Canney moved a suspension of the rules, and that the bill be considered engrossed, and read a third time now, and put upon its passage.

On which the ayes and nays were demanded, and the House suspended the rules by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Caldwell,
Canney,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Gardner,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,

Messrs. Lee,
Letcher,
Martin,
McCandless,
McFarland,
McGarry,
McKamy,
McMeans,
Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Snyder,
Smith,
Walker,
Wing,
Yeiser—37.

NAYS.

Messrs. Brush,
Carpentier,
Conness,
Estep,
Flower,
Leake,
Mandeville,
Meredith,

Messrs. McMahon,
Owen,
Redding,
Rogers,
Taylor,
Thomas,
Speaker—15.

The bill was then read a third time and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act concerning Repealed Statutes ;

Also, An Act to prevent Extortion in Office, and to enforce Official Duty ; and the report was adopted.

Mr. Estep, from the Committee on State Hospitals, reported back the memorial of G. M. Bourne, without recommendation, and the report, with the memorial was laid on the table.

The House then went into consideration of the case of the contested seat of Clark vs. Carpentier.

Mr. Crenshaw moved that the resolution submitted by the minority of the Committee on Elections, be adopted.

Mr. Brush moved to amend the motion by striking out the word "minority," and inserting the word "majority."

Mr. Clark, the contestant, then addressed the House at some length in opposition to the right of Mr. Carpentier to hold a seat in this House.

On motion, at 2 o'clock, P. M., the House took a recess until 4 o'clock, P. M.

The House re-assembled, at 4 o'clock, P. M.

The question before the House was then temporarily withdrawn.

The following message was received from the Senate :

Mr. Speaker:

The Senate Committee on Engrossment this day reported as correctly engrossed, An Act amendatory of an Act entitled an Act to incorporate the City of Sacramento, passed 1851, and that the Committee had added in the twenty seventh line of second page, after the words "expiration of," the words "six months from," to which I am directed to ask the concurrence of the Assembly.

The Senate passed, on the 9th instant, An Act to amend an Act entitled an Act prescribing the mode of assessing and collecting Public Revenue, passed May 1st, 1851.

And on the 10th instant, An Act to change the name of Alfred Morgan, to Alfred Gray Morgan ;

And passed this day An Act for the payment of the claim of the "Pioneer Upholstery."

By order of the Senate.

A. C. BRADFORD,
Secretary Senate.

March 11th, 1853.

The House then concurred in Senate amendment reported by their Committee on Engrossed Bills, to the bill for An Act amendatory of an Act entitled an Act to incorporate the City of Sacramento, passed 1851.

Senate bill for An Act to change the name of Alfred Morgan to Alfred Gray Morgan, was then read a first time, and laid over under the rules.

Senate bill for An Act to provide for the payment of the claim of the "Pioneer Upholstery," was then read a third time, and laid over under the rules.

Senate bill for An Act to amend an Act entitled an Act prescribing the mode of assessing and collecting Public Revenue, passed May 1st, 1851, was then read a first time, and laid over under the rules.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act entitled an Act for the better regulation of Pilots for the Bar and Harbor of Humboldt Bay ;

Also, An Act to be entitled an Act amendatory of, and supplementary to sections fourth and eighth of an Act entitled an Act concerning Divorces, passed March 25th, 1851 ;

Also, An Act to require the owners, consignees, agents and importers of Flour arriving within this State, to report the same to the Board of Port Wardens of the City of San Francisco.

And, also, a Concurrent Resolution to appoint a committee of the two Houses to draft and report a bill apportioning the State into Senatorial and Assembly districts.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to repeal an Act in relation to the city of San Francisco, passed May 1, 1851.

The question of the case of contested seat of Clark *vs.* Carpentier, temporarily suspended to admit the transacting of the foregoing business, was again resumed.

Gen. James A. McDougal, counsel for Mr. Carpentier, then addressed the House at some length, in defence of the right of Mr. Carpentier to retain his seat in this House.

Mr. Crenshaw, on behalf of the contestant, rejoined.

Mr. Smith moved a call of the House, which was sustained, and on the roll being called, Mr. Leake was absent.

The Sergeant-at-Arms was then dispatched to bring in the absentee.

Mr. Leake appeared at the bar of the House, was admitted, and took his seat.

On motion of Mr. Mandeville, further proceedings under the call were dispensed with.

Mr. Crenshaw then withdrew his motion, to adopt the resolution reported by the minority of the Committee on Elections.

Mr. Brush then moved the adoption of the resolution submitted by the majority of the Committee on Elections.

On which the ayes and nays were demanded, and the House refused to adopt the resolution by the following vote :

AYES.

Messrs. Blake,
Brush,
Canney,
Fairfax,
Heydenfeldt,
Hunt,
Kittredge,
Lee,

Messrs. Mandeville,
McCandless,
McFarland,
Redding,
Rogers,
Thomas,
Wing—15.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,

Messrs. Martin,
Meredith,
McGarry,
McKamy,
McMeans,
Moore,
Myres,
Oliver,
Pacheco,

Messrs. Ewing,
Flower,
Garfield,
Harrison,
Herbert,
Hoff,
Irwin,
Leake,
Letcher,

Messrs. Proctor,
Reading,
Sime,
Snyder,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—36.

Mr. Crenshaw moved to adopt the resolution submitted by the minority of the committee.

On which the ayes and nays were demanded, and the resolution was adopted by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Garfield,
Harrison,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,

Messrs. Leake,
Letcher,
Martin,
Meredith,
McFarland,
McGarry,
McKamy,
McMeans,
Moore,
Myres,
Oliver,
Pacheco,
Proctor,
Reading,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—42.

NAYS.

Messrs. Brush,
Heydenfeldt,
Mandeville,
McCandless,

Messrs. Rogers,
Thomas,
Wing—7.

The following message from the Governor was received, and, with the accompanying documents, laid on the table :

EXECUTIVE DEPARTMENT,
Benicia, March 11, 1853. }

To the Senate and Assembly of California:

I have the honor herewith to transmit a copy of a communication received from the late Secretary of State of the United States, enclosing one from Señor Osma, Charge d'Affaires of Peru. The communication of Señor Osma is in relation to a decree rendered in the District Court of the United States for the Northern District of California, on the 24th day of July, 1851, in favor of José Fernando Santiago, and against David B. Morgan and others, pilots of the port of San Francisco, for the sum of \$24,151 29, for the alleged negligent loss of the Peruvian bark *Eliza*, on the 5th of January, 1851.

The subject is one of some importance, and I have, therefore, deemed it my duty not only to transmit the papers above referred to, but to state that I dissent from the views expressed.

Señor Osma, in his communication, informs the Secretary of State that he has been instructed by the Peruvian Government to apply to the United States, to obtain from it the reparation deemed due to a Peruvian citizen for the loss complained of. The United States Government can answer for itself, as to the responsibility it incurs for an alleged dereliction of duty on the part of a State officer, or rather an individual not representing any department of the State Government, but acting as an individual in a special capacity under its authority.

Señor Osma assumes the position, that if the Pilots' Association was established by authority of the State, and foreign vessels required to provide themselves with pilots belonging to such association, then is the State responsible for the conduct of those composing the company or association. Señor Osma assumes what the law does not impose. The law of this State regulating pilotage, so far as respects the port of San Francisco, leaves it optional with the masters or owners of vessels to take on board a pilot or not, whether inward or outward bound. In this regulation there is no distinction made between national and foreign vessels. In case a pilot offers his services, and such service is refused, half pilotage is demanded, and this, as a matter of State police, gives character to the regulation, and is in fact a port charge. The system established by this State is analogous to that of the principal commercial States of the Union, without the introduction of any new principle. And, indeed, if whole pilotage were demanded in such cases, the consequence, as it regards the private parties concerned, or the authority of the State to enact such regulation, would be the same. The State laws regulating pilotage are not absolute, though the authority of the State is sufficient for that purpose.

The several acts of Congress recognising the validity of these laws may be treated as a part of the revenue system of the United States, or more generally as a recognition of an international rule based upon the necessity of general intercommunication between nations, under the respective States or Governments adopting them, with such modifications as local circumstances require. No civilized government at this day, it is believed, disavows with such regulations. The Peruvian Government is certainly not

an exception. Long established usage respecting the law of insurance having rendered a resort to the advantages of this system indispensable throughout the world.

Señor Osma calls upon the Secretary of State to see that the decree of the District Court is carried into effect, and suggests that the Marshal has failed to satisfy the execution issued thereon. Upon an examination of the records, it appears, however, that the legal remedy upon the decree was not exhausted. The Marshal states in his return upon the execution, that he levied upon property, which he would not sell, until he was indemnified by the libellants. The inference, therefore, is, that the property was claimed by third parties, and where personal property levied upon, is thus claimed, no sale can be made unless an indemnity is given, if demanded. In this case it was demanded and refused. The Marshal had, therefore, no alternative but to make the return he did upon the execution, and nothing further was done in Court; hence, it does not appear that if the plaintiffs had resorted to a complete remedy that their decree would not have been satisfied. The law establishing pilotage, moreover, requires that each pilot shall, before the granting of his license, give a bond in a certain penalty for the faithful discharge of his duty. This bond is required as security for those injured by the misconduct of any individual Pilot. No attempt has been made to secure the amount of this penalty upon Morgan's bond, thus presenting another instance in which the libellant has failed to exhaust the plain and adequate remedy afforded by law, in cases of misfeasance.

The State, it is maintained, is not responsible for the misconduct of a pilot, because a pilot is not an officer of the State in any sense. A Board of Commissioners is created by law, to grant licenses to competent persons to act as pilots, but no revenue is derived to the State from these licenses. The establishment of pilotage is not necessary for the administration of the State government, though by the law regulating pilotage, the State acquiesces in the universal system adopted by governments. The State is no more responsible for the conduct of a pilot acting under a license from the commissioned officers of the State, than for any other person performing a public duty under a license, or under a commission. Auctioneers, commission merchants, retail dealers, &c., &c., act under statutory regulations, and even pay a revenue to the State; but a citizen of Peru dealing with them, acts upon the law of contract, determined by the existing local law, and the State is not the insurer of their fidelity in business transactions. So, also, with the contract for pilotage. There is an option to make the contract or refuse. By the refusal, the vessel subjects itself to an additional port charge of half pilotage. If, however, the contract is made, it is entirely private. It is, in fact, simply a contract between individuals of two governments, with which the governments have no connection.

If the recognition of the general system of pilotage by this State, establishes its responsibility for all pilotage contracts, the government of the United States could not escape from an equal responsibility, for the reason, that the United States have adopted the pilotage laws of the several States, by Acts of Congress, either as a part of the revenue laws, necessary to their complete enforcement, or by an express acquiescence in the international usages of the world.

Without further remark, the subject is commended to your careful con-

sideration, with the suggestion that such instructions be given in the premises as you may deem proper.

JOHN BIGLER.

(See Senate Appendix, No. 38.)

On motion, at 8 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, March 12, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Carhart, Covarrubias, and Reading, of Trinity.

On motion, leave of absence for one day each was granted to Messrs. Gardner and Johnson.

The Journal of Friday last was read and approved.

Mr. Meredith presented a memorial, purporting to be signed by persons of color, asking for an amendment to the Act to regulate proceedings in civil cases, in the Courts of Justice of this State, so as to allow colored persons to testify in Courts of Justice of this State.

Mr. Carhart moved that the petition be rejected by throwing the same out of the window.

The Chair (Mr. Canney in the chair,) decided the motion to be out of order, and stated that the Chair would entertain a motion to reject.

Mr. Carhart appealed from the decision.

The question then being, " Shall the decision of the Chair stand as the opinion of the House ?"

And the decision was sustained.

Mr. McFarland moved that the memorial be rejected.

Mr. McCandless moved, as an amendment, that it be burnt.

The Chair decided the amendment to be out of order.

Mr. Leake appealed from the decision of the Chair, and on the question, " Shall the decision of the Chair stand as the opinion of this House ?"

The ayes and nays were demanded, and the decision was sustained by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Estep,
Garfield,
Hoff,
Hunt,
Irwin,
Kittredge,
Letcher,
Martin,

Messrs. Meredith,
McFarland,
McGarry,
McKamy,
Moore,
Oliver,
Owen,
Pacheco,
Redding,
Rogers,
Snyder,
Taylor,
Tilghman,
Wing—28.

NAYS.

Messrs. Bell,
Caldwell,
Carhart,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Flower,
Harrison,
Herbert,
Heydenfeldt,
Lee,

Messrs. Leake,
Mandeville,
McCandless,
McMahon,
McMeans,
Myres,
Proctor,
Reading,
Thomas,
Walker,
Yeiser—23.

The question then being on the rejection of the memorial—

The ayes and nays were demanded, and it was rejected by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Caldwell,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,

Messrs. Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,

Messrs. Estep,
Ewing,
Fairfax,
Flower,
Garfield,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Leake,
Letcher,

Messrs. Owen,
Pacheco,
Proctor,
Reading,
Redding,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Tilghman,
Walker,
Wing,
Yeiser—53.

NAYS—none.

On motion of Mr. Heydenfeldt, the Clerk was directed not to file the memorial amongst the papers of this House.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the contingent expenses of Government, approved May 4, 1852 ;

Also, Concurrent Resolution to appoint a Joint Committee in translation of laws into Spanish ;

Also, An Act to unite the offices of Clerk and Recorder of Tulare county ;

And also, An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851.

And the report was adopted.

Mr. Yeiser, from the Judiciary Committee, submitted the following report :

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to amend the Act to regulate proceedings in civil cases in Courts of Justice of the State of California, in respect to appeals from Justices' Courts, in certain cases, and recommended that the bill be not passed.

They also report back An Act to legalize certain official acts of William J. Lewis, County Surveyor for the county of Santa Clara, in accordance with instructions, and recommend that the bill be passed with the proposed amendments, as section 2.

Your Committee have also carefully considered a resolution instructing the Judiciary Committee to inquire into the expediency or in expediency of revising, amending and codifying certain Acts.

And submit the accompanying bill entitled An Act to provide for the

compilation and publication of the Laws of the State of California, and the payment thereof, as the result of their deliberations.

FREDERICK YEISER,
Chairman.

Assembly bill for An Act to amend the Act to regulate proceedings in civil cases in Courts of Justice of the State of California in respect to appeals from Justices' Courts in certain cases, was then taken up and laid on the table.

Assembly bill for An Act to legalize certain official acts of Wm. J. Lewis, County Surveyor of the county of Santa Clara, was then taken up amended, read a third time and passed.

Assembly bill for An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof, introduced by Mr. Yeiser from the Judiciary Committee, was then read a first and second time, and referred to the Judiciary Committee.

Mr. Cardozo, from the Committee on Commerce, reported back Senate bill for An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California, with amendments, and recommended its passage.

The bill was laid on the table, and made the special order for Tuesday March 15, at 12 o'clock, M.

Mr. Maudeville, from the Committee on Roads and Highways, reported back, Assembly bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851, with a recommendation that the bill be laid on the table.

The report was adopted, and the bill laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries, and provide for its organization.

And the report was adopted.

Mr. Wing submitted the following report, which was concurred in :

Mr. Speaker:

The joint committee of conference upon the disagreeing vote of the two Houses, on the bill entitled An Act to provide for the contingent expenses of the Supreme Court and State Officers, have had the same under consideration, and report :

Amend Assembly bill by inserting after the word "of," in line two, the words "Governor's Office."

Amend the title, so that it will read "An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court."

Your committee also recommend that the Assembly recede from its disagreement to Senate amendment.

Respectfully submitted,

AUSTIN WING,

Ch. Assembly Committee.

J. WALTON,

Ch. Senate Committee.

Mr. Thomas, from the delegation from Butte County, to whom was referred a petition of citizens of that county relating to the county seat, reported the same back, with a bill for An Act establishing the Seat of Justice of the County of Butte, and amending the 21st section of an Act dividing the State into Counties, and establishing Seats of Justice therein, passed April 25th, 1851, and recommended the passage of the same.

The bill was then read a first and second time, the rules suspended, it was then read a third time, and passed.

Mr. Redding, of Yuba, from the select committee, reported back Assembly bill for An Act to divide the County of Trinity, and form a new county out of the western portion of the same, to be called "Humboldt," with amendments, and recommended the passage of the same.

The amendments were then adopted, and the bill read a third time, and passed.

Mr. McFarland, from the select committee to whom was referred Senate bill for An Act to amend an act passed 15th March, 1851, entitled an Act to provide for the Translation of the Laws into the Spanish language, and also to amend an Act passed April 24, 1852, of the same title, reported the same back, and recommended that it be passed.

The report was adopted, and the bill read a third time and passed.

Mr. Heydenfeldt introduced a Joint Resolution relative to the Law Library at the City of San Francisco.

Which was read a first and second time, amended, and referred to the Judiciary Committee.

Mr. Blake submitted the following resolution, which was adopted :

Resolved, That the Governor be informed that, on yesterday, the Assembly adopted a resolution declaring the seat heretofore occupied by Horace W. Carpentier, vacant.

Mr. Martin introduced a bill for An Act to amend an act entitled an Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento Valley, approved April 28, 1852.

Which was read a first and second time, and referred to the Committee on Roads and Highways.

Mr. Garfield introduced a bill for An Act to enforce the payment of Licenses in this State.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Reading, of Trinity, introduced a bill for An Act to authorize the construction of a Wagon Road from the Free Bridge House, on Clear Creek, in Shasta County, to Weaverville, in Trinity County.

Which was read a first and second time, and referred to the Committee on Roads and Highways.

Mr. McMahon introduced a bill for An Act for the more effectual distribution of the Laws, Journals, and Public Documents of the State of California.

Which was read a first and second time, and referred to the Committee on Education.

On motion of Mr. Myres, Assembly bill for An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, was

taken from the table, and made the special order for Wednesday, March 16, at 12 o'clock M.

Mr. Ewing introduced a bill for An Act for the relief of Wm. Waldo.

Which was read a first time, and laid over under the rules.

Mr. Redding introduced a bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

Which was read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act concerning repealed Statutes;

An Act to prevent extortion in office and to enforce official duty;

An Act to repeal an Act in relation to the city of San Francisco, passed May 1st, 1851;

And the report was adopted.

Mr. Reading of Trinity, presented the claim of M. C. Dougherty, for \$25 for services rendered the State.

Which was read, and referred to the Committee on Claims.

On motion of Mr. Myres, Assembly bill for An Act recommending to the electors to vote for or against calling a convention to revise and change the entire constitution of this State: was taken from the table, and made the special order for Friday, March 18, at 12 o'clock M.

The following message was received from the Senate:

Mr. Speaker:

The Senate yesterday passed An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851.

And this day refused to recede from the vote adopting a substitute to Assembly Joint Resolution concerning the Historical Society of the State of California.

And appointed Messrs. McKibben, Crabb, and Lyons, as a Committee of conference on the disagreeing vote of the two Houses.

By order of the Senate :

A. C. BRADFORD,
Secretary of the Senate.

10th March, 1853.

Senate bill for An Act to amend an Act entitled an Act declaring certain Rivers and Creeks navigable, passed Feb. 18, 1851, was then read a first time, and laid over under the rules.

Senate bill for An Act to amend an Act entitled an Act prescribing the mode of assessing and collecting, Public Revenue, passed May 1st, 1851, was then read a second time, and referred to the Committee on Ways and Means.

Senate bill for An Act to provide for the payment of the claim of the "Pioneer Upholstery;" was then read a second time, and referred to the Committee on Claims.

Senate bill for An Act to change the name of Alfred Morgan, to Alfred Grey Morgan, was then read a second time, and laid on the table.

Senate bill for An Act for the relief of J. D. Monnett, M. D., for services rendered sick emigrants, was then read a second time, and referred to the Committee on State Hospitals.

Senate bill for An Act for the payment of Certain Persons therein named, for services rendered and materials furnished, was then read a second time and referred to the Committee on Claims.

Assembly bill for An Act entitled an Act for the better regulation of Pilots for the Bar and Harbor of Humboldt Bay, was then taken up, read a third time and passed.

The following message was received from the Senate :

Mr. Speaker :

The Governor approved, on the 10th inst., An Act to prevent the establishment of Pest Houses within the limit of any town or city in this State ;

And Joint Resolution in relation to the Harbor of Santa Cruz ;

And An Act entitled an Act for the relief of Taaffe, McCahill & Co., for carpeting, &c. ;

The Senate this day adopted the report of the joint committee upon the disagreeing vote of the two Houses, on the bill for An Act to provide for the contingent expenses of the Supreme Court and State Offices ;

And passed this day, An Act to authorize the Comptroller to issue, and the Treasurer to register, a Warrant in lieu of one destroyed by fire.

By order of the Senate :

A. C. BRADFORD,
Secretary of the Senate.

March 12, 1853.

Senate bill for An Act to authorize the Comptroller to issue, and the Treasurer to register, a Warrant in lieu of one destroyed by fire, was then read a first and second time, the rules suspended, it was then read a third time, and passed.

The Governor's message transmitted to this House, yesterday, relating to the claim of the Peruvian bark Eliza, was then taken up, and two hundred and forty copies ordered printed, together with the accompanying documents.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act to unite the offices of Clerk and Recorder of Tulare County ;

An Act amendatory of an Act entitled an Act to Incorporate the City of Sacramento, passed 1851 ;

And An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4, 1852.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to legalize certain official acts of William J. Lewis, County Surveyor for the County of Santa Clara ;

Also, An Act establishing the Seat of Justice of the County of Butte, and amending the twenty-first section of an Act entitled an Act dividing the State into Counties, and establishing Seats of Justice therein, passed April 25, 1851.

And the report was adopted.

On motion, at three o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, March 14, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—Messrs. Blake, Canney, Carhart, Conness, Cardozo, Covarrubias, Crenshaw, Ewing, Fairfax, Flower, Johnson, Lee, Leake, Martin, Meredith, McFarland, McGarry, Moore, Myres, Pacheco, Proctor, Robinson, Sime, Taylor, Tilghman and Yeiser.

On motion, leave of absence for one day each, was granted to Messrs. Crenshaw, Moore, McFarland, Robinson, Martin, Meredith, Lee, Yeiser, Fairfax, Blake, Conness, Ewing and Proctor; to Mr. Johnson one week was granted.

The Journal of Saturday last was read and approved.

Mr. McMeans submitted a resolution, requesting the Governor to transmit to this House all papers on file in his Department relating to the sale of Beach and Water Lot Property in the year 1850.

Which was read and adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller and Secretary of State, and of the Supreme Court.

And the report was adopted.

Mr. Thomas submitted a Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State.

Which was read a first and second time, and referred to the Committee on Federal Relations.

A message was received from the Governor, informing the Assembly that

he had this day approved An Act to repeal the first section of an Act appropriating moneys to meet the contingent expenses of Government, approved March 4th, 1852.

Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18th, 1851, was then read a second time, laid on the table, and two hundred and forty copies ordered to be printed.

On motion of Mr. Hoff, Assembly bill for An Act for the punishment of the crimes of Adultery and Polygamy, was taken from the table and referred to a select committee of three.

The Chair appointed, as such committee, Messrs. Kittredge, Hoff and Heydenfeldt.

On motion of Mr. Kittredge, Assembly bill for An Act concerning Roads and Highways, was ordered to be printed.

Mr. Cabaniss, at 2 o'clock, P. M., moved to adjourn.

On which the ayes and nays were demanded, and the House adjourned by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Estep,
Gardner,
Harrison,
Irwin,
Kittredge,
Knight,
Letcher,

Messrs. Mandeville,
McKamy,
McMahon,
McMeans,
Reading,
Redding,
Rogers,
Snyder,
Smith,
Wing—20.

NAYS.

Messrs. Bell,
Caldwell,
Garfield,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,

Messrs. McCandless,
Oliver,
Owen,
Thomas,
Walker,
Wells,
Speaker—15.

HOUSE OF ASSEMBLY.

TUESDAY, March 15, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Leake, Martin, McKamy, Moore, Proctor, Rogers, Smith, Tilghman and Yeiser.

On motion, leave of absence was granted to Messrs. Proctor and Martin for one day, and to Mr. Pacheco for three days.

The Journal of Monday last was read and approved.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act supplementary to an Act to incorporate the city of Los Angeles, passed April 4th, 1850, without amendment, and recommended its passage.

The report was adopted, and the bill considered, and ordered engrossed for a third reading.

Mr. Crenshaw, from the Committee on Claims, reported back the petition of Clark and Craine, with a bill for An Act for the relief of Reuben Clark and Wm. Craine.

Which was read a first and second time, considered in committee of the whole, reported back without amendment; the rules suspended, it was considered engrossed, read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, submitted the following report:

Mr. Speaker:

The Judiciary Committee to whom was referred a joint resolution relative to the Law Library at the City of San Francisco, beg leave to report it back, recommending its passage, with an amendment, viz:

Add following proviso: Provided the same shall not interfere with the number of copies required by law to be kept in the State Library.

They have also considered An Act to enforce the Payment of Licenses in this State, the passage of which is recommended without amendment.

Your Committee also unanimously recommend the passage of An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof, with the following amendment: Insert after the word "laws," in second line of section 3, the words "of a public and general nature."

And report back An Act to amend an Act entitled an Act concerning the

the Courts of Justice of this State and Judicial Officers, passed March 11, 1851, and

An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May 1st, 1851, and recommended that they be not passed.

Also, An Act to amend an Act concerning the Courts Justice of this State and Judicial Officers, passed March 11th, 1851, and recommend that the bill be not passed, for the reason that the House has passed an Act of similar nature during the present session.

FRED. YEISER,

Chairman.

The report was read, and,

On motion of Mr. Canney, laid on the table, together with the accompanying bills.

On motion of Mr. Heydenfeldt, Assembly Joint Resolution relative to the Law Library at the city of San Francisco, was taken from the table, the amendments reported by the Judiciary Committee adopted.

The resolutions was then considered engrossed, read a third time, and passed.

Assembly bill for An Act for the relief of William Waldo, was then read a second time, and referred to the Committee on Claims.

On motion of Mr. Canney, Senate bill for An Act authorizing the appointment of Book-Keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer of State, and to provide for their payment, was taken from the table.

On motion of Mr. Canney, the House then went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill, and having considered the same, rose, and reported it back without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Caldwell,
Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Flower,
Gardner,
Heydenfeldt,
Hoff,

Messrs. Mandeville,
McFarland,
McGarry,
McMahon,
Myres,
Oliver,
Owen,
Reading,
Redding,
Snyder,
Smith,
Thomas,
Tilghman,

Messrs. Knight,
Lee,
Leake,

Messrs. Walker,
Yeiser,
Speaker—32.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Ewing,
Hally,
Harrison,
Herbert,
Hunt,
Kittredge,

Messrs. Letcher,
McMeans,
Robinson,
Rogers,
Sime,
Taylor,
Wells,
Wing—17.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to authorize the Comptroller to issue, and the Treasurer to register, a Warrant in lieu of one destroyed by fire.

And the report was adopted.

On motion of Mr. McCandless, Senate bill for An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California, made the special order for this day, at 12 o'clock, was taken from the table.

On motion of Mr. Canney, the House went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill; and having rejected the amendments reported by the Committee on Commerce, rose, and reported the bill back without amendment, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Flower moved to amend the third section by adding the following :

“ Provided, Nothing in this bill shall be so construed as to prevent owners, consignees, or other parties interested in goods and merchandise, from calling in competent judges to ascertain the amount of damage to said goods and merchandize, after the same may have been declared damaged by a Port Warden’s survey.”

The question then being on the adoption of the amendment, the ayes and nays were demanded, and the House refused to adopt by the following vote :

AYES.

Messrs. Conness,
Estep,
Flower,
Hally,
Harrison,
Hoff,

Messrs. Reading,
Redding,
Robinson,
Rogers,
Sime,
Taylor,

Messrs. Knight,
Letcher,
Mandeville,

Messrs. Walker,
Speaker—17.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Canney,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Garfield,
Herbert,
Heydenfeldt,
Hunt,
Irwin,
Kittredge,
Lee,
Leake,
Meredith,

Messrs. McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Snyder,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—35.

Mr. Taylor moved the following as an amendment :

Add to section 10, the words, "on sales over five hundred dollars, and five dollars on all sales under five hundred dollars: *Provided*, that they shall not charge for more than one order of sale to each owner, agent, or consignee."

On the question of the adoption of the amendment, the ayes and nays were demanded, and the House refused to adopt by the following vote :

AYES.

Messrs. Bostwick,
Conness,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Knight,

Messrs. Letcher,
Mandeville,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Walker,
Speaker—20.

NAYS.

Messrs. Bell,
 Blake,
 Canney,
 Carhart,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Garfield,
 Herbert,
 Irwin,
 Kittredge,
 Lee,
 Leake,
 Meredith,
 McCandless,
 McFarland,

Messrs. McGarry,
 McKamy,
 McMahon,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Owen,
 Snyder,
 Smith,
 Thomas,
 Tilghman,
 Wells,
 Wing,
 Yeiser—31.

Mr. Robinson moved to amend as follows:

Amend section eleven, by striking out the word "section," and insert the word "Act."

The question then being on the adoption of the amendment.

The ayes and nays were demanded, and it was lost by the following vote:

AYES.

Messrs. Conness,
 Estep,
 Ewing,
 Flower,
 Hally,
 Harrison,
 Hoff,
 Knight,

Messrs. Letcher,
 Mandeville,
 Reading,
 Redding,
 Robinson,
 Taylor,
 Walker,
 Speaker—16.

NAYS.

Messrs. Bell,
 Blake,
 Bostwick,
 Canney,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Garfield,
 Herbert,
 Heydenfeldt,
 Irwin,
 Kittredge,

Messrs. McGarry,
 McKamy,
 McMahon,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Owen,
 Rogers,
 Snyder,
 Smith,
 Thomas,

Messrs. Lee,
Leake,
Meredith,
McCandless,
McFarland,

Messrs. Tilghman,
Wells,
Wing,
Yeiser—33.

On motion of Mr. McMeans, the bill was then read a third time.

Mr. Moore moved the previous question.

And on the question, "Shall the main question now be put?" the ayes and nays were demanded, and the motion was sustained by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cardozo,
Covarrubias,
Crenshaw,
Herbert,
Irwin,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McCandless,
McFarland,

Messrs. McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—30.

NAYS.

Messrs. Canney,
Conness,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Hoff,

Messrs. Knight,
Letcher,
Myres,
Reading,
Redding,
Robinson,
Sime,
Taylor,
Speaker—19.

The main question was then put.

On which the ayes and nays were demanded, and the bill was passed by the following vote :

AYES.

Messrs. Bell,
 Blake,
 Bostwick,
 Canney,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Garfield,
 Herbert,
 Heydenfeldt,
 Irwin,
 Kittredge,
 Lee,
 Leake,
 Mandeville,
 Meredith,
 McCandless,

Messrs. McFarland,
 McGarry,
 McKamy,
 McMahon,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Owen,
 Rogers,
 Snyder,
 Smith,
 Thomas,
 Tilghman,
 Wells,
 Wing,
 Yeiser—34.

NAYS.

Messrs. Conness,
 Estep,
 Ewing,
 Flower,
 Hally,
 Harrison,
 Hoff,
 Knight,

Messrs. Letcher,
 Reading,
 Redding,
 Robinson,
 Sime,
 Taylor,
 Walker,
 Speaker—16.

Mr. Heydenfeldt gave notice that he would, on to-morrow, move to reconsider the vote just taken by which the bill was passed.

Mr. Cardozo moved that the vote be now reconsidered.

Mr. Crenshaw moved to indefinitely postpone the motion to reconsider.

Mr. Canney moved to lay the motion to indefinitely postpone on the table. Which was not agreed to.

The question then being on the motion to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
 Blake,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Herbert,

Messrs. McMahon,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Owen,

Messrs. Irwin,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McCandless,
McGarry,

Messrs. Sime,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—27.

NAYS.

Messrs. Bostwick,
Canney,
Caldwell,
Carhart,
Conness,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Heydenfeldt,
Hoff,

Messrs. Hunt,
Knight,
Letcher,
McFarland,
McKamy,
Reading,
Redding,
Robinson,
Rogers,
Taylor,
Walker,
Speaker—24.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 16, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, McCandless, Moore, Proctor, Reading of Trinity, Smith, Tilghman and Walker.

On motion, leave of absence was granted for one day each to Messrs. Cardozo, Fairfax, Flower, Heydenfeldt, Moore and Proctor, and for two days each to Messrs. Estep and Harrison.

The Journal of Tuesday last was read and approved.

Mr. Hunt presented the petition of certain citizens of this State, in relation to the translation of the Laws into the Spanish Language.

Which was referred to the committee on that subject.

On motion, the report submitted by the Judiciary Committee on yesterday was taken from the table.

Assembly bill for An Act to enforce the payment of Licenses in this State, was then taken up, considered engrossed, read a third time and passed.

Assembly bill for An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof, was then taken up, and,

On motion of Mr. Wing, the House went into committee of the whole, Mr. Oliver in the chair, on the consideration of the bill, and having considered the same rose and reported it back with amendments, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. Canney, the amendments reported by the committee of the whole were concurred in.

Mr. Bostwick moved an amendment to the fifth section of the bill.

Which was adopted.

The bill was then ordered engrossed for a third reading.

Assembly bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed March 11, 1851, was laid on the table

Assembly bill for An Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers, passed March 11, 1851, was also laid on the table.

Assembly bill for An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May 1, 1851, was also laid on the table.

The following message was received from the Senate :

Mr. Speaker :

The Governor approved, on the 12th inst., An Act to repeal An Act in relation to the city of San Francisco, passed May 1, 1851 ;

And the Senate passed, on the 12th inst., Joint Resolution in relation to Postal Arrangements ;

And Assembly Concurrent Resolution to appoint a joint committee of the two Houses to draft and report a bill apportioning the State into Senatorial and Assembly Districts, and have named the same committee on the part of the Senate that was previously appointed on this same subject ;

And passed yesterday, with amendments, Assembly bill for An Act to authorize the appointment of Book-Keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer, and to provide for the payment of clerks in the State offices.

And passed yesterday, also, An Act to explain an Act entitled an Act in relation to the supplies of Fuel, and other contingent expenses of the Legislature, approved January 27, 1853, as a substitute for Assembly

bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

By order of the Senate.

A. C. BRADFORD,
Secretary.

March 15, 1853.

Senate Joint Resolution in relation to postal arrangements, was then read a first time, and laid over under the rules.

Assembly bill for An Act to authorize the appointment of book-keeper to the Comptroller of State, and temporary clerk in the Department of Treasurer, and to provide for the payment of clerks in the State offices, as amended by the Senate, was then taken up and laid on the table.

Senate bill for An Act to explain an Act entitled an Act in relation to the supplies of fuel and other contingent expenses of the Legislature, approved Jan. 27, 1853, was then read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

An Act to authorize the appointment of book-keeper to the Comptroller of State, and temporary clerk in the Department of Treasurer of State, and to provide for their payment.

Mr. Bostwick from the same Committee reported that they did on yesterday present to the Governor for his approval,

An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court;

Also, An Act to authorize the Comptroller to issue, and the Treasurer to register, a warrant in lieu of one destroyed by fire;

And also, An Act to authorize the appointment of book-keeper to the Comptroller of State, and temporary clerk in the Department of Treasurer of State, and to provided for their payment.

And the report was adopted.

A message was received from the Governor, informing the Assembly that he did on the 15th inst., approve,

An Act entitled an Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court.

A message was received from the Senate informing the Assembly that they did on the 11th inst., pass,

An Act to amend an Act to re-incorporate the city of Stockton, approved April 21, 1852.

The bill was then taken up, read a first and second time, and referred to the members from San Joaquin county.

Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county, was then read a second time, and referred to the members from Yuba and Sierra counties.

Mr. Thomas submitted the following report which was read and adopted:

Mr. Speaker :

The Committee on Engrossment have examined and found correctly Engrossed, the following bills, viz :

A bill for An Act supplementary to An Act to incorporate the city of Los Angeles, passed April 4th, 1850 ;

Also, a bill for an Act for the relief of Reuben Clark and William Craine;

And also, Assembly Joint Resolution relative to the Law Library at the city of San Francisco ;

Also, An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humbolt.

CHAS. C. THOMAS,
Chairman.

Assembly bill for An Act supplementary to an Act to Incorporate the City of Los Angeles, passed April 4, 1850, was then read a third time and passed.

Mr. Redding, of Yuba, from the Committee on Mines and Mining Interests, reported back Senate bill for An Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, and recommended that it be made the special order of this day, and considered with Assembly bill on the same subject.

The report was adopted, and the bill made special order for 12 o'clock.

Mr. Crenshaw, from the Committee on Claims, to whom was referred the claim of Lawrence McMahon, reported the same back, with a bill for An Act for the relief of Lawrence McMahon.

Which was read a first time, and laid over under the rules.

Mr. Garfield, from the Committee on Federal Relations, reported back Assembly Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State, with verbal amendments, and recommended its passage.

The report and bill were laid on the table.

The hour of twelve having arrived, on motion of Mr. McCandless, the House went into committee of the whole, (Mr. Robinson in the chair,) on the consideration of Senate bill for An Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, and having made some progress on the bills, rose and reported them back, and asked leave to sit again.

Which was granted.

Mr. Canney moved that the bills be made the special order for to-morrow, immediately after the calling of committees.

Which was agreed to.

Mr. Blake introduced a bill for An Act prescribing the mode of appointing Auctioneers, and defining their duties.

Which was read a first time, and laid over under the rules.

Mr. Brush, agreeably to notice, introduced a bill for An Act to limit the application of an Act to regulate proceedings in Civil cases, in the Courts of Justice of this State, passed April 29th, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, March 17, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—

Messrs. Cardozo, Covarrubias, Fairfax, Gardner, Heydenfeldt, Irwin, Leake, McCandless, Moore, Tilghman, Walker, and Yeiser.

The Journal of Wednesday last was read and approved.

Mr. Conness, from the Committee on Claims, to whom was referred Senate bill for An Act to provide for the payment of the claim of the "Pioneer Upholstery," reported the same back, and recommended that it be laid on the table.

The report was adopted, and the bill laid on the table.

Mr. Conness, from the same committee, reported a bill for An Act for the relief of E. G. Baker, tinsmith of San Francisco;

Which was read a first and second time, and laid over under the rules.

On motion of Mr. Redding of Yuba, Assembly bill for An Act to amend the third section of the Act entitled an Act to license gaming, passed March 14, 1851, was taken from the table.

Mr. Thomas moved that the bill be considered engrossed, and read a third time, with a view of putting it on its final passage;

On which the ayes and nays were demanded, and the question was decided in the negative by the following vote:

AYES.

Messrs. Blake,
Brush,
Canney,
Carhart,
Covarrubias,

Messrs. Redding,
Snyder,
Smith,
Thomas,
Tilghman,

Messrs. Letcher,
McMeans,
Oliver,
Reading,

Messrs. Wells,
Wing,
Yeiser—17.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,

Messrs. Knight,
Lee,
Mandeville,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
Owen,
Proctor,
Robinson,
Sime,
Taylor,
Speaker—28.

On motion of Mr. Heydenfeldt, the bill was laid on the table.

Mr. McCandless presented the petition of three hundred and four citizens of this State, praying for the passage of the "Maine Liquor Law;"

Which was read, and referred to the select committee on that subject.

Mr. Covarrubias submitted a resolution, requesting the Committee on Elections to report on Monday next on the case of contested election of Lee and Vidall vs. Hughes and Covarrubias;

Which was adopted.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to exempt Firemen from serving on Militia or Jury duty, with a substitute for An Act to exempt Firemen from Militia service and Jury duty;

Which, with the report and bill, was laid on the table.

Mr. Canney, from the Committee on Indian Affairs, submitted the following report: (Relative to claim of O. S. Weatherby. See Appendix, No. 31.)

Mr. Proctor moved to lay the report on the table.

On which the ayes and nays were demanded, and it was not agreed to by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Flower,
Hally,
Harrison,
Hoff,

Messrs. Oliver,
Proctor,
Robinson,
Sime,
Snyder,
Taylor,

Messrs. Irwin,
Letcher,
Mandeville,

Messrs. Thomas,
Tilghman,
Walker—18.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Conness,
Covarrubias,
Crenshaw,
Herbert,
Heydenfeldt,
Hunt,
Knight,
Lee,
Leake,

Messrs. Martin,
McCandless,
McFarland,
McGarry,
McMahon,
McMeans,
Myres,
Owen,
Reading,
Rogers,
Smith,
Wing,
Speaker—26.

Mr. Canney moved the adoption of the report.

On which the ayes and nays were demanded, and the report was adopted by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Canney,
Carhart,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Knight,
Lee,
Leake,

Messrs. Letcher,
Mandeville,
Martin,
McFarland,
McGarry,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Rogers,
Snyder,
Smith,
Thomas,
Tilghman,
Walker,
Wing,
Speaker—42.

NAYS.

Messrs. Cabaniss,
McCandless,
Robinson,

Messrs. Sime,
Taylor—5.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had examined An Act to Fund the Debt of the county of Los Angeles and provide for the payment thereof, and found it correctly enrolled, except an omission in the third line of section 9th, of the words, "of the assessment," which words they have inserted.

And the report was adopted.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to enforce the payment of Licenses in this State; also,

An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof.

And the report was adopted.

Mr. Kittredge, from the Committee on Agriculture, reported back Assembly bill for An Act to prevent Hogs running at large in this State, and recommended its passage.

The report was read, and, with the bill, laid on the table.

Mr. McFarland, from the Committee on State Hospitals, reported back Senate bill for An Act for the relief of J. D. Monnett, M. D., for service rendered sick emigrants, and recommended that the same be referred to the Committee on Claims.

The report was adopted, and the bill referred to the Committee on Claims.

Mr. Brush, from the select committee, to whom was referred so much of the Governor's message as relates to the extension of the Water Front of the city of San Francisco, submitted the following report. (See Appendix, No. 32.)

Which was read, and laid on the table, with a view to ordering it to be printed.

Mr. Brush, from the same committee, introduced a bill for An Act to dispose of the interest of the State to certain property, and quiet the title thereto.

Which was read a first and second time, and referred to the Committee on Ways and Means.

Mr. Cabaniss, from a majority of the select committee appointed to visit the city of Stockton for the purpose of examining the site of the State Asylum for the Insane, submitted the following report. (See Appendix, No. 33.)

Which was read, laid on the table, and two hundred and forty copies ordered to be printed.

Mr. Wing, from a minority of the same committee, submitted the following report, which was read, laid on the table, and two hundred and forty copies ordered to be printed in connection with the report of the majority of the committee. (See Appendix, No. 33.)

Mr. Harrison, from the select committee to whom was referred Assembly

bill for An Act concerning lawful Fences, and Animals trespassing on premises lawfully enclosed, reported the same back with a substitute, under a similar title, and recommended its passage. The substitute and bill were laid on the table.

Mr. Hally, from the San Joaquin delegation, to whom was referred the Senate bill for An Act to amend an Act to re-incorporate the City of Stockton, approved April 21, 1852, reported the same back, with a recommendation that the bill be passed without amendment.

The bill was adopted, and the report laid on the table.

On motion, the House then went into committee of the whole (Mr. Robinson in the chair), on the consideration of Assembly bill for An Act to provide for the protection of Foreigners, and to define their liabilities and privileges;

And Senate bill for An Act to amend an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, made the special order for this day, and having made some progress thereon, rose, reported the bill back, and asked leave to sit again, which was granted.

On motion of Mr. Canney, at 5 o'clock, P. M., the House took a recess until half past seven o'clock, P. M.

7½ O'CLOCK, P. M.

The House re-assembled, and again went into committee of the whole, (Mr. Robinson in the chair), on the consideration of the subject had under consideration at the time of taking a recess, and having considered the same, rose, and reported back the same, with sundry amendments to the Assembly bill, and recommended the passage of the same, and asked to be discharged from the further consideration of the subject, which was granted, and the bill laid on the table.

A message was received from the Senate, and laid on the table.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, March 18, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Gardner, McCandless, Reading of Trinity, and Tilghman.

On motion of Mr. Heydenfeldt, Mr. Gardner was granted indefinite leave of absence.

The Journal of Thursday last was read and approved.

Mr. Hoff presented the petition of citizens of Tuolumne county, praying for the passage of a law to prohibit Gambling.

Which was read, and referred to the select committee on that subject.

Mr. Johnson presented the petition of the Trustees of the Fire Department of the city of Sacramento, praying for a law to exempt Firemen from jury duty.

Which was read and laid on the table.

The following message, received from the Senate on yesterday, and laid on the table, was taken up and read :

Mr. Speaker :

The Governor approved, on the 15th instant, An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed in 1851.

An Act to unite the offices of Clerk and Recorder of Tulare County.

An Act concerning repealed Statutes.

An Act to prevent extortion in office and to enforce official duty.

The Senate passed on the 15th instant, Assembly bill for An Act establishing the Seat of Justice of the County of Butte, and amending the 21st section of An Act entitled an Act dividing the State into Counties and establishing Seats of Justice therein, passed April 25, 1851, with an amendment.

And Senate bill for An Act to provide a Sinking Fund for the County of Monterey.

The Governor approved, on the 15th instant, also, An Act to authorize the Comptroller to issue, and the Treasurer to register, a warrant in lieu of one destroyed by fire.

And the Senate passed, on the 16th instant, with an amendment, Assembly bill for An Act to amend the seventh section of an Act to prohibit the creation of Weirs or other obstruction to the run of Salmon.

And Assembly bill for An Act to create the county of Alameda and to

establish the Seat of Justice therein, to define its boundaries, and to provide for its organization, with amendments.

By order of the Senate,

A. C. BRADFORD,
Secretary Senate.

March 17, 1853.

Assembly bill, as amended by the Senate, for An Act establishing the Seat of Justice of the county of Butte, and amending the twenty-first section of An Act entitled an Act dividing the State into counties, and establishing Seats of Justice therein, passed April 25, 1851, was then taken up and the Senate amendment concurred in.

Senate bill for An Act to provide a Sinking Fund for the county of Monterey, was then read a first time and laid over under the rules.

Assembly bill, as amended by the Senate for An Act to amend the seventh section of an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, was then taken up and the Senate amendment concurred in.

Assembly bill, as amended by the Senate, for An Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries, and to provide for its organization, was then taken up, and the Senate amendments concurred in.

Assembly bill for An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof, was then read a third time, and on the question, " Shall the bill now be passed ?" the ayes and nays were demanded, and the bill passed by the following vote :

AYES.

Messrs. Bell,

Blake,

Brush,

Caldwell,

Cahney,

Conness,

Cardozo,

Ewing,

Flower,

Heydenfeldt,

Hoff,

Irwin,

Kittredge,

Knight,

Lee,

Messrs. Leake,

Meredith,

McFarland,

McGarry,

Myres,

Oliver,

Proctor,

Redding,

Snyder,

Smith,

Thomas,

Wells,

Wing,

Yeiser—29.

NAYS.

Messrs. Cabaniss,
Carhart,
Covarrubias,
Crenshaw,
Estep,
Hally,
Herbert,
Hunt,
Johnson,

Messrs. Mandeville,
McKamy,
McMeans,
Owen,
Robinson,
Rogers,
Sime,
Taylor,
Speaker—18.

Assembly bill for An Act to exempt Firemen from serving on militia, or jury duty, with the substitute therefor, was taken up, and made the special order for Tuesday next, March 22d, 1853, at 12 o'clock, M.

On motion of Mr. Johnson, Assembly bill for An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State, was taken up and made the further special order for Wednesday, March 23d, 1853, at 12 o'clock, M.

Senate bill for An Act to explain an Act entitled an Act in relation to the supplies of Fuel and other contingent expenses of the Legislature, approved January 27th, 1853, was then read a second time, the rules suspended; it was then read a third time and passed.

On motion of Mr. Leake, Assembly bill for An Act to amend an Act entitled an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers, passed May 3d, 1852, was taken from the table, and referred to the Judiciary Committee.

On motion of Mr. Thomas, Assembly joint resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State, was taken from the table, read a third time, and passed.

Mr. Hally introduced a joint resolution instructing our Senators and Representatives in Congress, in relation to an Act of Congress to settle private land claims in California;

Which was read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to explain an Act entitled an Act in relation to the Supplies of Fuel and other Contingent Expenses of the Legislature, approved January 27th, 1853;

Also, An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California;

Also, An Act to amend an Act, passed 15th March, 1851, entitled an Act to provide for the translation of the Laws into the Spanish language;

And also, to amend An Act, passed April 24th, 1852, of the same title. And the report was adopted.

On motion of Mr. Canney, Assembly bill for An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, was then taken up.

Mr. Hally moved a call of the House, which was sustained, and on the roll being called, the following members were absent:

Messrs. Cabaniss, Bell, Kittredge, McGarry, McMahon, Rogers, and Tilghman.

Mr. Tilghman appeared, was admitted, excused, and took his seat.

On motion of Mr. Leake, further proceedings under the call were dispensed with.

The amendments reported by the committee of the whole to the bill were then taken up separately, and severally concurred in, so far as the 18th section.

On the question of striking out the whole of the 18th section, and inserting the following words :

“ On all sums collected under the provisions of this Act, there shall be allowed twenty-seven per cent. to the Collector, and to the Recorder, three per cent.”

The ayes and nays were demanded, and the amendment was adopted by the following vote :

AYES.

Messrs. Bostwick,
Canney,
Carhart,
Covarrubias,
Crenshaw,
Flower,
Harrison,
Herbert,
Heydenfeldt,
Irwin,
Lee,
Leake,
Mandeville,

Messrs. Martin,
Meredith,
McCandless,
McKamy,
McMeans,
Myres,
Oliver,
Proctor,
Snyder,
Thomas,
Tilghman,
Walker,
Yeiser—26.

NAYS.

Messrs. Blake,
Brush,
Cabaniss,
Caldwell,
Conness,
Cardozo,
Estep,
Ewing,
Garfield,
Hally,
Hoff,
Hunt,
Kittredge,

Knight,
Letcher,
Owen,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Wells,
Wing,
Speaker—25.

The remaining amendments to the bill were then considered, and severally concurred in.

Mr. Leake submitted an amendment to section 10 ; which was adopted.

Mr. Myres submitted an amendment ; which was lost.

Mr. Wing moved to amend the first section, by striking out the words, " or not having lawfully and in good faith declared his intention to become such."

Mr. McMeans submitted the following as a substitute to the amendment :

" Provided, That no person who is ineligible to citizenship under the provisions of the naturalization laws of the United States, shall be permitted to work in any of the mines of this State.

" And provided further, If any person shall violate the provisions of this Act, he shall, on conviction thereof, before any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, nor less than one hundred dollars ; one half of which fine shall go to the informer, and the other half to the use of the county in which such conviction is had."

Mr. Canney moved that the substitute be rejected.

On which the ayes and nays were demanded, and it was rejected by the following vote :

AYES.

Messrs. Brush,
Canney,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Flower,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Kittredge,
Knight,
Lee,

Messrs. Leake,
Martin,
McFarland,
McGarry,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Rogers,
Sime,
Taylor,
Wells,
Wing—31.

NAYS.

Messrs. Ewing,
Hally,
Hoff,
Irwin,
Johnson,

Messrs. Mandeville,
Meredith,
McKamy,
McMeans,
Tilghman—10.

The question then recurring on the adoption of the amendment submitted by Mr. Wing.

On which the ayes and nays were demanded, and it was adopted by the following vote :

AYES.

Messrs. Brush,
Caldwell,
Carhart,
Estep,
Ewing,
Harrison,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,

Messrs. Lee,
Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
Oliver,
Owen,
Reading,
Wells,
Wing—22.

NAYS.

Messrs. Canney,
Cardozo,
Covarrubias,
Crenshaw,
Flower,
Herbert,
Johnson,
Leake,

Messrs. Letcher,
McGarry,
McMeans,
Myres,
Proctor,
Redding,
Rogers,
Taylor—16.

On motion of Mr. Johnson, at 4 o'clock, P. M., the House took a recess until half past seven o'clock, P. M., by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Canney,
Conness,
Cardozo,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Heydenfeldt,
Johnson,
Knight,
Lee,

Messrs. Letcher,
McFarland,
McKamy,
Myres,
Oliver,
Proctor,
Redding,
Robinson,
Rogers,
Sime,
Snyder,
Smith,
Taylor—27.

NAYS.

Messrs. Blake,
Cabaniss,
Caldwell,
*37

Messrs. Kittredge,
Leake,
Meredith,

Messrs. Carhart,
Covarrubias,
Crenshaw,
Harrison,
Hoff,
Hunt,
Irwin,

Messrs. McGarry,
McMahon,
McMeans,
Owen,
Reading,
Wells,
Wing—20.

Half past seven o'clock, P. M.

The House re-assembled.

On motion of Mr. Bell, Mr. Heydenfeldt was called to the chair.

Mr. Blake submitted a resolution, requesting the Attorney-General to give his legal opinion in relation to the extension of the city front of San Francisco.

Which was read, and adopted.

Mr. Canney submitted the following resolution, which was adopted.

Resolved, That the Clerk of this House be directed to transmit a copy of the report of the Committee on Indian Affairs on the claim of O. S. Weatherby, and also the original papers accompanying the report to the Board of Examiners of the War Debt.

Mr. Bostwick submitted a resolution, fixing the hour of meeting of this House at ten o'clock, A. M.

Which was read, and on the question of its adoption, the ayes and nays were demanded, and the resolution was adopted by the following vote :

AYES.

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Crenshaw,
Estep,
Ewing,
Garfield,
Hally,
Harrison,
Hoff,
Irwin,
Johnson,
Kittredge,
Knight,
Lee,

Messrs. Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
McMahon,
Oliver,
Owen,
Proctor,
Redding,
Robinson,
Rogers,
Sime,
Smith,
Taylor,
Wells,
Speaker—35.

NAYS.

Messrs. Cardozo,
Covarrubias,
Flower,
Herbert,
Heydenfeldt,

Messrs. Leake,
McGarry,
McMeans,
Myres,
Yeiser—10.

Mr. McMeans moved to adjourn.

On which the ayes and nays were demanded by Mr. Canney, and it was decided in the negative by the following vote :

AYES.

Messrs. Brush,
Cabaniss,
Estep,
Flower,
Heydenfeldt,
Hoff,
Kittredge,
Lee,
Leake,

Messrs. Mandeville,
McGarry,
McKamy,
McMahon,
McMeans,
Proctor,
Rogers,
Yeiser—17.

NAYS.

Messrs. Bostwick,
Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Garfield,
Hally,
Herbert,
Johnson,
Knight,
Martin,

Messrs. Meredith,
McFarland,
Myres,
Oliver,
Owen,
Redding,
Robinson,
Sime,
Smith,
Taylor,
Thomas,
Wells—25.

Mr. Garfield moved to strike out the eighteenth section, and insert a substitute.

Which was agreed to.

Mr. Hoff submitted the following as a new section to the bill :

“ The provisions of this Act shall not be so construed as to prevent the miners in any mining district, from adopting and enforcing rules and regulations preventing foreigners ineligible to the rights of citizenship from working the mines in said mining district. *Provided*, That no rules and regulations, so established, shall exclude such foreign miner from working out any

claim he may be engaged on ; and in no case, shall such rules or regulations exclude any person or persons from working at any place or locality, at which he or they may be engaged during the term for which such license may be granted."

The question being on the adoption of the amendment.

On which the ayes and nays were demanded by Mr. Canney, and the House refused to adopt by the following vote :

AYES.

Messrs. Blake,
Heydenfeldt,
Hoff,
Kittredge,
Mandeville,

Messrs. Meredith,
McMeans,
Oliver,
Smith,
Yeiser—10.

NAYS.

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Garfield,
Hally,
Harrison,
Herbert,
Irwin,
Johnson,

Messrs. Knight,
Leake,
Martin,
McFarland,
McGarry,
McMahon,
Myres,
Proctor,
Redding,
Robinson,
Rogers,
Taylor,
Thomas,
Tilghman,
Wells—31.

On motion of Mr. Crenshaw, the bill was then ordered engrossed for a third reading on to-morrow.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, March 19, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Caldwell, Canney, Carhart, Fairfax, Heydenfeldt, Hunt, Kittredge, Lee, Letcher, McCandless, McMahon, Myres, Proctor, Reading of Trinity, Tilghman, and Walker.

The Journal of yesterday was read and approved.

Mr. Rogers presented the petition of citizens of Calaveras county, praying for the passage of a law to divide that county and to create a new county therefrom.

Which was read, and referred to the delegations from Calaveras and El Dorado counties.

Mr. Oliver presented a petition from the same source, and upon the same subject.

Which was read, and referred same as above.

Mr. Crenshaw submitted the following report, which was read and adopted. (Relative to the accounts of Stockton State Hospital. See Appendix, No. 34.)

The bill and substitute was then laid on the table, and made the special order for Monday next, March 21, 1853, at seven and a-half o'clock, P. M.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act to provide for the protection of Foreigners, and to define their liabilities and privileges ;

Also, Joint Resolution in relation to the establishment of Post Offices and Mail Routes, in the northern part of the State.

And the report was adopted.

Assembly bill for An Act to provide for the protection of Foreigners and to define their liabilities and privileges, was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cabaniss,

Messrs. Kittredge,
Knight,
Leake,
McFarland,
McKamy,

Messrs. Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Garfield,
Hally,
Harrison,
Herbert,
Irwin,

Messrs. McMahon,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Sime,
Snyder,
Thomas,
Wells,
Wing—33.

NAYS.

Messrs. Flower,
Heydenfeldt,
Hoff,
Johnson,
Mandeville,
Meredith,

Messrs. McMeans,
Proctor,
Robinson,
Taylor,
Speaker—11.

Mr. Bostwick submitted the following report, which was read and adopted: "

BENICIA, March 19, 1853.

Mr. Speaker:

The Joint Committee on Enrollment report that they have examined and found correctly enrolled,

An Act to amend the 7th section of an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon, approved April 12, 1852.

Also, An Act establishing the Seat of Justice of the county of Butte, and amending the 21st section of An Act entitled an Act dividing the State into Counties, and establishing the Seat of Justice therein, passed April 25, 1851.

JOHN H. BOSTWICK,
Ch. Assembly Committee.

JOHN Y. LIND,
Ch. Senate Committee.

Mr. Redding, of Yuba, from the select committee to whom was referred the subject of calling a Miners' State Convention, submitted the following report: (See Appendix, No. 35.)

Which was read and four thousand eight hundred copies ordered printed.

Mr. Crenshaw, from the portion of the select committee to whom was referred so much of the Annual Message of the Governor as relates to the

extension of the Water Front of the city of San Francisco, submitted the following report : (See Appendix, No. 32.)

Which was read, and four thousand eight hundred copies ordered printed, together with the report submitted by Mr. Brush on the same subject, March 17, 1853.

Mr. Canney introduced a bill for An Act to provide for the payment of the per diem and expenses of the Legislature, during the year 1854.

Which was read the first and second time, and referred to the Committee on Ways and Means, and ordered not to be printed.

On motion of Mr. Hally, Assembly Joint Resolution instructing our Senators and Representatives in Congress in relation to an Act of Congress to settle private land claims in California, was taken from the table, and two hundred and forty copies ordered printed.

Mr. Redding, of Yuba, introduced a bill for An Act supplementary to the Act incorporating the city of Marysville.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. McFarland introduced a bill for An Act for the government and protection of Indians.

Which was read a first and second time, and referred to the Committee on Indian Affairs.

Mr. Martin introduced a bill for An Act to authorize the State Treasurer to issue four duplicate School Land Warrants.

Which was read a first and second time, and referred to the Judiciary Committee, and ordered not to be printed.

Mr. Johnson, agreeably to notice, introduced a bill for an Act to fund the floating debt of the county of Sacramento, and to provide for the payment of the same.

Which was read a first and second time, and referred to the Committee on Ways and Means.

On motion of Mr. Conness, Messrs. Wells and Letcher were added to the Committee on Claims.

Mr. Lee introduced a Joint Resolution in relation to the Harbor of Santa Barbara.

Which was read a first and second time, and referred to the Committee on Commerce.

Mr. McMeans introduced a bill for An Act to repeal an Act entitled An Act for the relief of the Indigent Sick, approved April 16, 1852.

Which was read a first and second time, and referred to the Committee on Ways and Means.

On motion of Mr. Taylor, Assembly bill for An Act for the relief of E. G. Baker, tinsmith, of San Francisco, was taken from the table.

The House then went into committee of the whole, (Mr. Wing in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back, without amendment, and recommended its passage, and asked to be discharged from the further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Owen presented the petition of Henry Hook, asking for relief.

Which was read, and referred to the Committee on Claims.

Mr. Proctor introduced, a bill for An Act to fix the compensation of certain officers in the County of Siskiyou.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. McFarland, Assembly bill for An Act to amend an Act entitled an Act to provide for the disposal of the 500,000 acres of Land granted this State by Act of Congress, was taken from the table.

The House then went into committee of the whole, (Mr. Mandeville in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back, with amendments, and asked to be discharged from the further consideration of the subject.

Which was granted.

On motion of Mr. Robinson, the House then concurred in the amendments of the committee of the whole, and the bill was laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of E. G. Baker, tinsmith, of San Francisco.

And the report was adopted.

Mr. Crenshaw introduced a bill for An Act for the relief of John C. Cremony.

Which was read a first and second time, and referred to the Committee on Claims.

Mr. Blake gave notice that he would, on Monday next, or at an early day thereafter, introduce a bill for an Act entitled An Act explanatory of an Act in relation to Port Wardens in San Francisco and Sacramento, and other Ports of California.

Mr. Crenshaw moved to adjourn until Monday next at 7½ o'clock, P. M.

On which the ayes and nays were demanded.

And it was decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Caldwell,
Cardozo,
Crenshaw,
Estep,
Flower,
Hally,
Heydenfeldt,
Johnson,
Mandeville,

Messrs. Martin,
McFarland,
McKamy,
McMeans,
Myres,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Walker,
Speaker—25.

NAYS.

Messrs. Brush,
Canney,

Messrs. McCandless,
McMahon,

Messrs. Conness,
Covarrubias,
Harrison,
Kittredge,
Lee,
Leake,

Messrs. Oliver,
Thomas,
Wells,
Wing,
Yeiser—15.

HOUSE OF ASSEMBLY.

MONDAY, March 21, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Brush, Cabaniss, Caldwell, Ewing, Leake, Letcher, Owen and Smith.

On motion, leave of absence was granted to Mr. Ewing for one day, and to Mr. Letcher for two days, and to Messrs. Brush and Smith each three days.

On motion of Mr. Crenshaw, the reading of the Journal was laid over until to-morrow.

The following message was received from the Senate :

Mr. Speaker:

The Senate, yesterday, passed a Concurrent Resolution instructing the select committee to report a bill for the districting of the State ;

And Concurrent Resolution in relation to the Deed of the Mayor of the city of Benicia to the State of California ;

And An Act to define the jurisdiction of Counties separated by rivers and water courses.

By order of the Senate.

A. C. BRADFORD,
Secretary of the Senate.

March 19, 1853.

Senate Concurrent Resolution instructing the select committee to report

a bill for the districting of the State, was then taken up and laid on the table.

Senate Concurrent Resolution in relation to the Deed of the Mayor of the city of Benicia to the State of California, of a certain lot of ground in the city of Benicia, was then taken up, and laid on the table.

Senate bill for An Act to define the jurisdiction of Counties separated by rivers and water courses, was then read a first time, and laid over under the rules.

On motion of Mr. Heydenfeldt, Assembly bill for An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital, and the substitute reported therefor, and made the special order this day, was taken up.

Mr. Canney moved that the whole matter be laid on the table, and that 240 copies of the bill, substitute, and accompanying papers, be printed.

Which was agreed to.

A message was received from the Senate informing the Assembly that they did, on the 19th instant, pass, with an amendment, Assembly bill for An Act to ascertain the Indebtedness of Mariposa county.

The bill was then taken up, and the amendments of the Senate concurred in.

Mr. Knight, on leave, introduced a bill for An Act to amend an Act concerning Corporations.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion, at 10 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, March 22, 1853.

The House met pursuant to adjournment.

On motion of Mr. Myres, Mr. Oliver took the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Caldwell, Carhart, Cardozo, Ewing, Fairfax, Heydenfeldt, Lee, Leake, Martin, Meredith, McCandless, McMahon, McMeans, Moore, Owen, Thomas, Tilghman, Walker, Yeiser, and Mr. Speaker.

Mr. Canney moved a call of the House.

Which was sustained, and on the roll being called, the following members were found absent :

Messrs. Bell, Cabaniss, Caldwell, Fairfax, Heydenfeldt, Leake, Martin, McCandless, McMeans, Moore, Owen, Thomas, Tilghman, Walker, Yeiser, and Mr. Speaker.

The Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Fairfax, Leake, McMeans and Yeiser, appeared, were admitted, excused, and took their seats.

Messrs. Martin, McCandless and Thomas also appeared, were admitted, and took their seats, without being excused.

The Journal of Saturday and Monday last was read and approved.

Mr. Wing, from the committee on Public Expenditures, to whom was referred the Report of the Agents of the California Relief Expedition, submitted the following report, (See Appendix, No. 36,) which was read, laid on the table, and one thousand copies ordered printed.

Mr. Canney submitted the following resolution, which was read and adopted :

Resolved, That Friday and Saturday of each week be set apart for the purpose of disposing of unfinished business, to the exclusion of all new business.

Mr. Kittredge submitted a resolution instructing the Superintendent of Public Instruction to make his annual report within one week.

Mr. Wells submitted the following resolution, which was read and adopted :

Resolved, That from and after the present date, the costs accruing to the Sergeant-at-Arms for arrests of absentees, made pursuant to calls of the House, be paid by the absentees so arrested.

On motion of Mr. Canney, Assembly bill for An Act to exempt Firemen from serving on Militia or Jury duty, and the substitute therefor, made the special order for this day, was taken up.

On motion of Mr. Canney, the substitute was adopted.

The House then went into committee of the whole, (Mr. Canney in the chair,) on the consideration of the substitute, and having considered the same, rose and reported it back, without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then, on motion, considered engrossed, read a third time, and passed.

A message was received from the Governor, informing the Assembly that he did, on the 19th inst., approve An Act to amend the seventh section of an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, approved April 12, 1852 ;

An Act establishing the Seat of Justice of the County of Butte, and amending the twenty-first section of an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25th, 1851.

Act to provide for the translation of a from the Senate:
and also, to amend An Act passed A

Also, An Act to amend the 7th section of Weirs or other obstruction:

13, 1852;

And An Act to amend an Act concerning Foreigners in the State of California,

And An Act establishing to provide for the publication and distribution of the 21st section of the State, as compiled by the Surveyor-General, to counties and established

1851. of the Senate.

A. C. BRADFORD,

Secretary Senate.

March 22, 1853.

Senate for An Act to amend an Act entitled an Act concerning Foreigners arriving in the ports of the State of California, was then read a first and second time, and referred to the Committee on State Hospitals.

Senate bill for An Act to provide for the publication and distribution of the Official Map of the State, as compiled by the Surveyor-General, was then read a first and second time and referred to the Committee on Public Grounds.

On motion of Mr. McMeans, Assembly bill for An Act to amend an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, was then taken up and made the special order for Monday next, March 28, 1853, at 12 o'clock, M.

On motion of Mr. McFarland, Assembly bill for An Act to amend an Act entitled an Act to provide for the disposition of the five hundred thousand acres of Land granted to this State by Act of Congress, April, 1851, was taken from the table.

Mr. Canney moved a call of the House, which was sustained, and on the roll being called, the following members were absent: Messrs. Carhart, Heydenfeldt, Meredith, McCandless, McKamy, McMahon, Moore, Myres, Proctor, Reading of Trinity, Tilghman, Walker and Mr. Speaker.

Messrs. Heydenfeldt and Tilghman appeared at the bar of the House, were admitted, and without being excused took their seats.

Messrs. Proctor and McKamy appeared, were admitted, excused and took their seats.

Mr. Blake moved to adjourn.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs. Bell,
Blake,
Conness,
Cardozo,
Flower,
Hoff,
Kittredge,

Messrs. Mandeville,
McGarry,
McKamy,
Pacheco,
Rogers,
Wells—18.

Messrs. Covarrubias,
Orenshaw,
Estep,
Gardner,
Garfield,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Irwin,
Johnson,
Knight,
Lee,

NATlection, and, as appears by the papers
es the position of contestant.
the precedent established by the As-
recommend that the seat now occu-
that Mr. Hughes be permitted to
arbara county.

RICHARD IRWIN,
Chairman p

is admitted,
man,
the g,
siser—27
ed.

Mr. Robinson submitted an amendment, as the fifth section of the bill;
Which was adopted.

On motion the bill was then ordered engrossed for a third reading on
to-morrow.

Mr. Heydenfeldt submitted the following resolution :

Resolved, the Senate concurring, that the two Houses do adjourn, *sine*
die, on Saturday the ninth day of April next.

Assembly bill for An Act to amend an Act defining the time for com-
mencing civil actions, was then taken from the table, read a third time,
and passed.

Mr. Herbert from a minority of the select committee, to whom was
referred the subject of calling a Miners' State Convention, submitted the
following report. (See Appendix, No. 35.)

Which was read, and four thousand eight hundred copies ordered
printed in connection with the majority report of the same committee.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, submitted
the following report, which was adopted :

BENICIA, March 19, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills, report that they have this day
presented to the Governor for his approval,

An Act to fund the debt of the county of Los Angeles, and provide for
the payment thereof;

Also, An Act relative to Port Wardens in San Francisco and Sacramen-
to, and other ports of California ;

Also, An Act to explain an Act entitled an Act in relation to the sup-
plies of fuel and other contingent expenses of the Legislature, approved
Jan. 27, 1853 ;

Also, An Act to amend an Act passed 15th March, 1851, entitled an

Act to provide for the translation of the Laws into the Spanish language, and also, to amend An Act passed April 24, 1852, of the same title ;

Also, An Act to amend the 7th section of An Act to prohibit the erection of Weirs or other obstructions to the run of Salmon, approved April 22, 1852 ;

And An Act establishing the Seat of Justice of the county of Butte, and amending the 21st section of An Act entitled an Act dividing the State into counties and establishing the Seat of Justice therein, passed April 25th, 1851.

JOHN H. BOSTWICK,
Assembly Committee.

JOHN Y. LIND,
Senate Committee.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 23, 1853.

The House met pursuant to adjournment.

On motion of Mr. Blake, Mr. Wing took the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Caldwell, Conness, Ewing, Herbert, Knight, Leake, McMeans, Moore, Owen, Smith, Tilghman, Walker, Yeiser, and Mr. Speaker.

On motion, leave of absence for one day each was granted to Messrs. Conness, Ewing, and Owen.

The Journal of Tuesday was read and approved.

Mr. Irwin, from the Committee on Elections, submitted the following report :

Mr. Speaker :

The Committee on Elections beg leave to report, that they find in the case of the contested seat of Santa Barbara county, that Mr. C. E. Hughes has

the regular and formal certificate of election, and, as appears by the papers on file, Mr. Lee more properly occupies the position of contestant.

They, therefore, in accordance with the precedent established by the Assembly, in the case of *Martin vs. Pittser*, recommend that the seat now occupied by Mr. Lee be declared vacant, and that Mr. Hughes be permitted to qualify as a representative from Santa Barbara county.

RICHARD IRWIN,
Chairman *pro tem*.

Benicia, March 22, 1853.

On motion of Mr. Crenshaw, Mr. Hughes was admitted within the bar of the House.

Mr. Leake moved to recommit the report to the committee, and after some discussion,

Mr. Blake moved the previous question; which was sustained.

The main question was then put,

On which the ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs. Bell,
Blake,
Herbert,
Heydenfeldt,
Johnson,
Leake,
Martin,
Meredith,
McCandless,
McKamy,

Messrs. McMeans,
Myres,
Oliver,
Reading,
Robinson,
Rogers,
Sime,
Wing,
Speaker—19.

NAYS.

Messrs. Bostwick,
Cabaniss,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Hoff,
Hunt,

Messrs. Irwin,
Kittredge,
Knight,
Mandeville,
McFarland,
McMahon,
Pacheco,
Proctor,
Redding,
Snyder,
Taylor,
Thomas,
Walker,
Wells 28.

The question then being on the adoption of the report.

On which the ayes and nays were demanded, and the report was adopted by the following vote :

AYES.

Messrs. Bostwick,
Cabaniss,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Hoff,
Hunt,

Messrs. Irwin,
Kittredge,
Knight,
Mandeville,
McFarland,
McMahon,
Pacheco,
Redding,
Sime,
Snyder,
Thomas,
Walker,
Wells—27.

NAYS.

Messrs. Bell,
Carhart,
Herbert,
Heydenfeldt,
Johnson,
Leake,
Meredith,
McCandless,
McGarry,
McKamy,

Messrs. McMeans,
Myres,
Oliver,
Reading,
Robinson,
Rogers,
Taylor,
Wing,
Speaker—19.

Mr. Crenshaw, from the Committee on Claims reported a bill for An Act for the relief of James M. Cronstone ;

Which was read a first and second time, and laid over under the rules.

Mr. Crenshaw, from the same committee, reported back the petition of Henry Hook, praying for relief, with a recommendation that the prayer of the petitioner be denied.

And the report was adopted.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act for the relief of J. D. Monnett, M. D., for services rendered Sick Emigrants, and recommended its passage.

The House then went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and passed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for An Act to exempt Firemen from Militia service and Jury duty.

And the report was adopted.

Assembly bill for An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State, made the special order for this day, at 12 o'clock, was taken up.

The House then went into committee of the whole, (Mr. Robinson in the chair,) on the consideration of the bill, and having considered the same, rose, and reported it back, with amendments, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted, and the amendments concurred in.

The bill was then ordered engrossed for a third reading on to-morrow.

Mr. McMeans submitted the following report relative to the Water Lot property of the State. (See Appendix, No. 37.)

Mr. Robinson submitted the following report. (See Appendix, No. 38.)

Mr. Johnson moved to lay the reports and the accompanying bill on the table.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Carhart,
Crenshaw,
Estep,
Flower,
Gardner,
Garfield,
Hally,
Heydenfeldt,
Johnson,
Knight,
McFarland,

Messrs. McKamy,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Wells,
Yeiser,
Speaker—25.

NAYS.

Messrs. Bell,
Blake,
Cardozo,
Covarrubias,
Herbert,
Hoff,
Hunt,
Kittredge,
Lee,
Leake,
Mandeville,

Messrs. Martin,
Meredith,
McCandless,
McMahon,
McMeans,
Myres,
Oliver,
Rogers,
Tilghman,
Wing—21.

Mr. Cardozo, from the Committee on Public Lands, reported back Senate bill for An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor General, with amendments, and recommended its passage.

The amendments were then adopted, and the bill read a third time and passed.

Mr. Johnson moved to reconsider the vote by which the bill was passed.

On which the ayes and nays were demanded and decided in the negative by the following vote :

AYES.

Messrs. Cabaniss,
Flower,
Hally,
Harrison,
Johnson,
Knight,

Messrs. McGarry,
Proctor,
Robinson,
Snyder,
Taylor—11.

NAYS.

Messrs. Bell,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Hoff,
Irwin,
Kittredge,
Lee,
Leake,

Messrs. Martin,
Meredith,
McFarland,
McMahon,
McMeans,
Myres,
Oliver,
Pacheco,
Reading,
Redding,
Rogers,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—32.

Mr. Speaker:

The Committee on State Hospitals, to whom was referred a bill for An Act to regulate the practice of Medicine and Surgery in the State of California, have had the same under consideration, and beg leave to report. (See Appendix, No. 39.)

The report was then adopted, and the bill read a third time, and on the question, "Shall the bill now be passed?" it was lost.

Mr. Bostwick submitted the following report :

Mr. Speaker :

The Joint Committee on Enrolled Bills have examined an enrolled bill, entitled An Act to create the County of Alameda and establish the seat of Justice therein, to define its boundaries, and provide for its organization. The Committee, upon an examination of the enrolled bill, find that it differs in some unimportant particulars with the bill as it passed, to wit :

In section six there is in the bill as passed a repetition of the preposition "of," which is left out of the enrolled bill.

Also, section thirteen, which was evidently intended to have been stricken out, is retained in the bill as passed, but is left out in the enrolled copy.

The Committee having no power over the bill, report it back to the Assembly, where it originated, and ask leave to make the alterations suggested.

Respectfully submitted,

JOHN WALTON,
Senate Committee.

JOHN H. BOSTWICK,
Assembly Committee.

On motion of Mr. Heydenfeldt, the Committee on Enrolled Bills were ordered to have the bill enrolled in accordance with the original bill.

Mr. Flower submitted the following resolution :

Resolved, That the seat now held by Mr. Lee, as a Representative from Santa Barbara county, be declared vacant.

Mr. Leake moved to lay the resolution on the table.

On which the ayes and nays were demanded, and the House refused to lay on the table by the following vote :

AYES.

Messrs. Blake,
Harrison,
Herbert,
Johnson,
Leake,
Meredith,
McCandless,
McGarry,
McKamy,

Messrs. McMeans,
Myres,
Oliver,
Robinson,
Rogers,
Tilghman,
Wing,
Yeiser—17.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Canney,

Messrs. Kittredge,
Knight,
Mandeville
Martin,

Messrs. Cardozo,
Covarrubias,
Estep,
Flower,
Gardner,
Hally,
Heydenfeldt,
Hunt,

Messrs. Pacheco,
Proctor,
Redding,
Sime,
Taylor,
Walker,
Wells—23.

Mr. McCandless moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote :

AYES.

Messrs. Bell,
Blake,
Carhart,
Cardozo,
Fairfax,
Herbert,
Heydenfeldt,
Lee,
Leake,
Mandeville,
Meredith,

Messrs. McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Proctor,
Reading,
Rogers,
Wells—21.

NAYS.

Messrs. Bostwick,
Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Hunt,
Johnson,
Kittredge,
Knight,

Messrs. Martin,
McGarry,
Oliver,
Pacheco,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wing,
Yeiser—27.

Mr. Taylor moved a call of the House.

Which was sustained.

And on the roll being called, the following members were found absent :
Messrs. Garfield, Hoff, Irwin, Snyder, and Mr. Speaker.

The Sergeant-at-Arms was dispatched to bring in the absentees.

Mr. Heydenfeldt moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote :

AYES.

Messrs. Bell,
Blake,
Carhart,
Cardozo,
Gardner,
Harrison,
Heydenfeldt,
Hoff,
Leake,
Mandeville,
Meredith,

Messrs. McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Proctor,
Reading,
Rogers,
Wells—21.

NAYS.

Messrs. Bostwick,
Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Flower,
Hally,
Hunt,
Johnson,
Kittredge,
Knight,
Martin,

Messrs. McGarry,
Moore,
Oliver,
Pacheco,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wing,
Yeiser—27.

Messrs. Snyder, Garfield and Irwin appeared at the bar of the House, were admitted, excused, and took their seats.

On motion, further proceedings under the call were dispensed with.

Mr. McMeans moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote :

AYES.

Messrs. Blake,
Carhart,
Cardozo,
Flower,
Gardner,
Garfield,
Harrison,

Messrs. Meredith,
McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Moore,

Messrs. Heydenfeldt,
Hoff,
Lee,
Leake,
Mandeville,

Messrs. Myres,
Proctor,
Rogers,
Snyder,
Wells—24.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Hally,
Herbert,
Hunt,
Irwin,
Johnson,
Kittredge,
Knight,

Messrs. Martin,
McGarry,
Oliver,
Pacheco,
Reading,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wing,
Yeiser—29.

Mr. Leake moved to lay the resolution on the table.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote :

AYES.

Messrs. Bell,
Blake,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Leake,
Meredith,

Messrs. McGarry,
McKamy,
Myres,
Oliver,
Rogers,
Tilghman,
Wing—15.

NAYS.

Messrs. Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Estep,
Flower,
Gardner,
Garfield,
Hally,

Messrs. Mandeville,
Martin,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Snyder,

Messrs. Irwin,
Johnson,
Kittredge,
Knight,

Messrs. Taylor,
Thomas,
Walker,
Wells—26.

Mr. Oliver moved a call of the House.

Which was sustained.

On motion, proceedings under the call were dispensed with.

On motion of Mr. Fairfax, the resolution was laid on the table.

The following message was received from the Senate :

Mr. Speaker:

The Governor approved, on the 19th instant, An Act to Fund the Debt of the county of Los Angeles, and to provide for the payment thereof.

An Act to explain an Act in relation to the supplies of fuel and other contingent expenses of the Legislature, approved January 27, 1853.

An Act to amend an Act, passed March 15, 1851, entitled an Act to provide for the Translation of the Laws into the Spanish Language, and also to amend an Act, passed 24th April, 1852, of the same title.

And An Act relative to the Port Wardens of San Francisco, Sacramento, and other Ports of California.

The Senate passed, on the 18th March, An Act to enforce the collection of Taxes in certain cases.

The Senate passed, this day, Senate bill for An Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the north-eastern frontier.

And passed, with amendments, Assembly bill for An Act to provide for the Protection of Foreigners and to define their liabilities and privileges.

By order of the Senate :

A. C. BRADFORD,
Secretary.

23d March, 1853.

Assembly bill, as amended by the Senate, for An Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, was then taken up, and laid on the table.

Senate bill for An Act to enforce the collection of Taxes in certain cases, was read a first time and laid over under the rules.

Senate bill for An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the north eastern Frontier, was then read a first time and laid over under the rules.

On motion, at 3 o'clock, P. M., the House adjourned by the following vote :

AYES.

Messrs. Bell,
Fairfax,
Flower,
Harrison,
Hoff,
Hunt,
Irwin,
Kittredge,
Mandeville,
Meredith,
McGarry,
McKamy,

Messrs. McMahon,
Moore,
Oliver,
Pacheco,
Reading,
Robinson,
Rogers,
Thomas,
Tilghman,
Wells,
Yeiser—23.

NAYS.

Messrs. Blake,
Bostwick,
Canney,
Cardozo,
Crenshaw,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Johnson,

Messrs. Leake,
McFarland,
McMeans,
Myres,
Proctor,
Redding,
Snyder,
Taylor,
Wing—19.

HOUSE OF ASSEMBLY.

THURSDAY, March 24, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, Canney, Carhart, Covarrubias, Fairfax, Herbert, Heydenfeldt, Irwin, Johnson, Lee, McCandless, McMahon, Moore, Thomas, Tilghman and Walker.

The Journal of Wednesday last was read and approved.

Mr. Covarrubias presented the petition of Horace Hawes, praying for relief.

Which was read, and referred to the Committee on Claims.

Mr. Leake presented the petition of certain Citizens of Calaveras county, praying for relief.

Which was read, and referred to the Committee on Claims.

Mr. Leake also presented the petition of citizens of Calaveras county, remonstrating against the division of that county.

Which was read, and referred to the members from the counties of Calaveras and El Dorado.

Mr. McMeans, from the Committee on Ways and Means, reported back the Assembly bill for An Act to repeal an Act entitled an Act for relief of the Indigent Sick, approved April 16, 1852, without amendment, and recommended its passage.

The report was adopted, the bill considered, and ordered engrossed for a third reading on to-morrow.

Mr. Robinson, from the Committee on Ways and Means, reported back Assembly bill for An Act to fund the Floating Debt of the county of Sacramento, and to provide for the payment of the same, with a recommendation that it be passed.

The report was adopted, and the bill laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to amend an Act entitled an Act to provide for the disposition of the five hundred thousand acres of Land, granted this State by Act of Congress.

Also, An Act recommending to the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State.

Mr. Oliver submitted the following resolution, which was read and laid on the table:

Resolved, That the Sergeant-at-Arms be instructed to procure from the California Guards the painting of Washington, which belongs to the State, to be placed upon the wall of the Assembly.

Mr. Hally, on leave, introduced a bill for An Act to secure to Settlers a pre-emption right to the Overflowed and Swamp Lands of this State.

Which was read a first and second time, and referred to the select committee on the subject of Tule Lands.

Mr. Martin, on leave, introduced a bill for An Act to prevent persons from obstructing the channels of Humboldt bay and harbor.

Which was read a first and second time, referred to the Committee on Commerce and ordered not to be printed.

Mr. Ewing, from the Committee on Counties and County Boundaries, reported a bill for An Act for dividing the county of Los Angeles, and making a new county therefrom.

Which was read a first and second time, and referred to the members from that county.

Mr. McFarland, from the Committee on State Hospitals, reported back Senate bill for An Act to amend an Act entitled an Act concerning pas-

sengers arriving in the ports of the State of California, and recommended its passage.

The report was adopted, and,

On motion, the House went into committee of the whole, Mr. Canney in the chair, on the consideration of the bill, and having considered the same rose, reported it back, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was agreed to.

Mr. Canney moved that the bill be read a third time now, with a view of putting it upon its final passage.

On which the ayes and nays were demanded.

And the bill was ordered to a third reading by the following vote :

AYES.

Messrs. Bell,
Blake,
Boswick,
Brush,
Canney,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,

Messrs. Hunt,
Irwin,
Johnson,
Kittredge,
Knight,
Mandeville,
McCandless,
McFarland,
McMeans,
Myres,
Oliver,
Proctor,
Tilghman,
Wing,
Yeiser—31.

NAYS.

Messrs. Cabaniss,
Conness,
Letcher,
Meredith,
McGarry,
McKamy,
Redding,

Messrs. Robinson,
Sime,
Taylor,
Thomas,
Wells,
Speaker—13.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote :

AYES.

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,
 Canney,
 Carhart
 Cardozo,
 Covarrubias,
 Crenshaw,
 Estep,
 Ewing,
 Fairfax,
 Gardner,
 Hally,
 Harrison,
 Herbert,
 Haydenfeldt,
 Hoff,

Messrs. Hunt,
 Kittredge,
 Knight,
 Leake,
 Mandeville,
 Martin,
 McCandless,
 McFarland,
 McKamy,
 McMeans,
 Myres,
 Proctor,
 Thomas,
 Tilghman,
 Wells,
 Wing,
 Yeiser—35.

NAYS.

Messrs. Cabaniss,
 Conness,
 Flower,
 Johnson,
 Letcher,
 Meredith,

Messrs. McGarry,
 Redding,
 Robinson,
 Rogers,
 Taylor,
 Speaker—12.

Senate bill for An Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermott, in protecting the overland emigration on the north-eastern frontier, was then read a second time, and referred to the Committee on Indian Affairs.

On motion of Mr. Myres, Assembly bill for An Act recommending to the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State, was then taken from the table, and read a third time.

Mr. Conness moved a call of the House.

Which was sustained, and on the roll being called, the following members were absent:

Messrs. McGarry, McMahon, Moore, Reading of Trinity, and Walker.

On motion of Mr. Crenshaw, Mr. McMahon was excused from the action of the call.

Messrs. McGarry and Walker appeared at the bar of the House, were admitted, excused, and took their seats.

On motion, further proceedings under the call were dispensed with.

Mr. Crenshaw moved to recommit the bill, with instructions to the Committee to propose amendments to the Constitution in accordance with Art. X, Sec. 1, of the Constitution, requiring biennial instead of annual

sessions of the Legislature, and with amendments abolishing the office of Superintendent of Public Instruction; together with such other amendments as to the committee may seem proper. Such amendments to be proposed each in separate propositions; each proposed amendment to contain all the necessary amendments to make the Constitution harmonize with said proposed amendments; with a view of submitting such proposed amendments to the next Legislature, according to provisions of Sec. 1, Art. X, of the Constitution.

The question then being to recommit the bill with special instructions, the ayes and nays were demanded.

And it was decided in the negative by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Covarrubias,
Crenshaw,
Hally,
Irwin,
Knight,

Messrs. Mandeville,
Oliver,
Redding,
Robinson,
Rogers,
Thomas—13.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Carhart,
Conness,
Cardozo,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Kittredge,
Lec,
Leake,
Letcher,

Messrs. Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McMahon,
McMeans,
Moore,
Myres,
Owen,
Pacheco,
Proctor,
Reading,
Sime,
Snyder,
Taylor,
Tilghman,
Walker,
Wells,
Wing,
Yeiser,
Speaker—45.

Mr. Heydenfeldt moved a call of the House.
Which was sustained.

And on the roll being called, the following members were absent:—
Messrs. Cabaniss and Knight.

Mr. Knight appeared, was admitted, and took his seat.

On motion, further proceedings under the call were dispensed with.

The question then being, "Shall the bill now be passed?"

On which the ayes and nays were demanded.

The bill was passed by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Canney,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Kittredge,
Knight,
Lee,
Leake,
Letcher,

Messrs. Mandeville,
Martin,
McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Owen,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Tilghman,
Walker,
Wing,
Yeiser,
Speaker—46.

NAYS.

Messrs. Blake,
Brush,
Conness,
Crenshaw,
Hoff,
Irwin,

Messrs. Meredith,
Oliver,
Redding,
Rogers,
Thomas,
Wells—12.

ABSENT.

Messrs. Cabaniss,
Caldwell,

Messrs. Smith,
Wilson—4.

On motion, at 4 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, March 25, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Fairfax, Heydenfeldt, Irwin, Johnson, Lee, McCandless, McMahon and Moore.

On motion, leave of absence was granted to Mr. Johnson for two days, and to Mr. Canney until Wednesday next.

The Journal of Thursday last was read and approved.

Mr. Brush, from the Committee on Elections, submitted the following report and resolution. (Contested seat of Lee vs. Hughes. See Appendix, No. 40.)

On motion of Mr. Canney, the House then went into committee of the whole, (Mr. Canney in the chair,) on the consideration of the report and resolution; and having considered the same, rose, reported them back, and asked to be discharged from further consideration of the matter.

Which was granted.

The Speaker then presented the following communication, which was read :

ASSEMBLY ROOM, }
March 25, 1853. }

To the Hon. Speaker of Assembly :

SIR :—I herewith tender my resignation as member of the Assembly from Santa Barbara, business of importance requiring my immediate attendance elsewhere.

Very respectfully,

C. V. R. LEE.

Mr. Conness moved to lay the communication on the table.

The Chair decided the motion to be out of order : that the House had no control in the matter of the resignation of one of its members.

Mr. Heydenfeldt moved the previous question.

Which was sustained.

The main question was then put.

On which the ayes and nays were demanded, and the resolution was adopted by the following vote :

AYES.

Messrs Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,
Letcher,
Mandeville,
Martin,

Messrs. McCandless,
McFarland,
McGarry,
McKamy,
McMeans,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Tilghman,
Wells,
Wing,
Speaker—45.

NAYS.

Mr. Leake,

Mr. Meredith—2.

Mr. Hughes then came forward, was sworn in by the Speaker and took his seat as a member of this House.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco, without amendment, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. Crenshaw, from the Committee on Claims, to whom was referred the claim of Thomas A. Hilton, reported the same back, with a bill for An Act for the relief of Thomas A. Hilton, M. D.

Which was read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to exempt Firemen from militia service and jury duty ;

An Act for the relief of J. D. Monnett, M. D., for services rendered sick emigrants ;

An Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization ; also,

An Act to ascertain the indebtedness of Mariposa and El Dorado counties ; also,

An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor-General ; also,

Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State.

And the report was adopted.

Mr. Bostwick, from the same committee, reported that they had this day presented to the Governor, for his approval, An Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization ; also,

An Act to ascertain the indebtedness of Mariposa and El Dorado counties ; also,

An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor-General ; and also,

An Act for the relief of J. D. Monnett, M. D., for services rendered sick emigrants ; also,

An Act to exempt Firemen from militia service and jury duty.

And the report was adopted.

The following communication was received from the Attorney-General, read, and laid on the table. (Relative to the extension of the Water Front of San Francisco. See Appendix, No. 41.)

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to repeal an Act entitled an Act for the relief of the Indigent Sick, approved April 16th, 1852.

And the report was adopted.

Mr. McFarland, from the Los Angeles Delegation, reported back Assembly bill for An Act for dividing the county of Los Angeles and making a new county therefrom, and recommended its passage.

The report was adopted, and the bill considered, and ordered engrossed.

The following message and communication of the Comptroller of State were received, read, and two thousand copies ordered printed.

EXECUTIVE DEPARTMENT,
Benicia, March 24, 1853. }

To the Senate and Assembly of California :

In my Annual Message, at the commencement of the present session, the financial condition of the State was carefully presented, and your efforts invoked to relieve its embarrassments. As in duty bound, I recommended certain measures deemed essential to the preservation of the faith and credit of the State, and the diminution of that burden of taxation which now weighs so heavily on the energy and industry of the people. These embarrassments are daily increasing, and I am the more firmly convinced of the necessity and importance of the measures then earnestly urged upon your consideration.

Under existing circumstances, however, I feel it my duty again to invite your attention to the condition of the finances of the State, and to make further suggestions which are regarded as important.

It is believed that the State is possessed of Beach and Water property sufficient, at least, if judiciously disposed of, to liquidate her entire civil indebtedness—a result much desired and loudly demanded by our common constituents.

As it will be necessary in this communication to make frequent reference to the actual condition of the finances of the State at the present time, an official statement of the same has been obtained from the Comptroller of State, which is herewith submitted. (See Appendix, No. 42.)

It will be seen, therefore, that the debt of the State has accrued since the organization of our State Government, at an average rate exceeding six hundred and seventy-one thousand dollars per annum, and must continue to increase at about the same rate, until provision is made for the reduction of our expenditures, and the payment of all our liabilities in cash, instead of depreciated State paper.

Such being the actual condition of things, we are called upon by every consideration of honor, patriotism, and fidelity to our constituents, to use the means legitimately at our disposal, for the purpose of saving the sinking credit of the State, and rendering justice to the people whom we represent.

The Attorney-General of the State, in a communication dated February 18, 1853, addressed to the Assembly, makes the following statement :

“ I think I may safely estimate the value of Beach and Water property, in the city of San Francisco, which has not been disposed of according to the provisions of the statutes, and which rightfully belongs to the State, at the sum of five millions of dollars: a great part of which property is now held and claimed by persons who have no legal or equitable right to it.”

Here we have the deliberate and unequivocal opinion of the legal adviser of the State, in which, so far as the United States is concerned, he is fully sustained by numerous decisions of the highest judicial tribunal of the country.

The Supreme Court of the United States, at the January term, 1845, in the case of *Pollard's Lessees vs. Hogan*, decided that “ the right of eminent domain over the shores and the soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions; and they, and they only, have the constitutional power to exercise it.

“ To give to the United States the right to transfer to a citizen the title to the shores and the soils under the navigable waters, would be placing in their hands a weapon which might be wielded greatly to the injury of State sovereignty, and deprive the States of the power to exercise a numerous and important class of police powers. But, in the hands of the States, this power can never be used so as to affect the exercise of any material right of eminent domain or jurisdiction with which the United States has been invested by the Constitution.”

The Court declare, “ that by the preceding course of reasoning, we have arrived at these general conclusions: First, The shores of navigable waters and the soils under them, were not granted by the Constitution of the United States, but were reserved to the States respectively. Secondly, The new States have the same rights, sovereignty, and jurisdiction over the subject, as the original States. Thirdly, The right of the United States to the public lands, and the power of Congress to make all needful rules and regulations

for the sale and disposition thereof, conferred no power over the shores of navigable waters, and the soils under them." (See 3 Howard, 212.)

At the January term, 1850, the Supreme Court of the United States, re-affirmed the above case, and the opinion of the Court was delivered by Chief Justice Taney as follows :

" This is an action of ejectment, brought by the plaintiff in error to recover a lot of ground in the town of Mobile, in the State of Alabama. He claimed title under an inchoate Spanish grant, dated December 12, 1809 ; and an Act of Congress confirming this title, passed July 2, 1836 ; and a patent from the United States, dated March 15, 1837, which issued in pursuance of the act of Congress. The validity of this title was disputed by the defendant, upon the ground that the premises were a part of the shore of a navigable tide-water river, lying below high water mark, when the State of Alabama was admitted into the Union, in 1819 ; and that, therefore, at the time of the passage of the act of Congress, the sovereignty and dominion over the place in question were in the State, and not in the United States ; and the Court instructed the jury, that if the land described in the plaintiff's declaration was below ordinary high water mark, at the time Alabama was admitted into the Union, the confirming act of Congress, and the patent, conveyed no title to the patentee. The same question upon the same act of Congress and patent, was brought before this Court in the case of *Pollard vs. Hogan*, at the January term, 1845, reported in 2d Howard, 212. That case was fully and deliberately considered, as will appear by the Report ; and the Court then decided that the act of Congress and patent conveyed no title." (See 9 Howard, pp. 477, 478.)

These decisions, as well as many others which might be cited, to say nothing of the universally admitted general principle of law, clearly establish the right of the State of California to dispose of the " Shores of all navigable waters and the soils under them," within her limits ; and that the State alone has the dominion and control of this property.

It is also well settled by numerous decisions, that no separate or exclusive right, adverse to the State or public right, is acquired by a city or town to the tide waters or soils under them, by virtue of an act of the Legislature extending the limits of such city or town over such waters.

" The Supervisor of the town of Flushing, in the State of New York, brought an action of debt for a penalty prescribed by a regulation of the town, by which it was ordered that no person should rake clams within the boundary of said town, and the decision of the Court was, that the town had no right to pass the law in question. The town of Flushing," the Court said, " must show a *right of property* to the lands in the bay, in order to entitle them to make rules and regulate the use of these lands. The Act extending the bounds of the town over the bay and into the Sound or East river, so as to include the islands southward to the main channel, was merely for the purpose of jurisdiction, and is no evidence of a grant of property in the soil covered by the water. All the ground under the navigable waters of the Hudson river is within the boundaries of some town, for the purposes of civil and criminal jurisdiction ; but it does not follow that the lands under the water belong to the towns situated on the river." (See Angell on Tide Waters, pp. 46, 47.)

It is not deemed necessary, in this communication, to notice the adverse

claims, originating under certain acts passed by the Legislature of this State of 1851, which it is presumed will be set up to this property by individuals. That such claims exist, is well understood, however; and the sooner the questions involved are adjudicated upon and definitely settled, the better for all concerned. This property, though immensely valuable, so long as the question of title is unsettled, will remain, as at present, unproductive to the State. Its speedy improvement is certainly a matter of great importance to the city of San Francisco, as well as to the State; because it will add millions to the amount of taxable property, and of course greatly increase the revenues of both. In addition to the amount of property which will be then subjected annually to taxation, I have no doubt that, by a judicious disposition of it, the State will directly realize a sum more than sufficient, under the provisions of the Supplementary Funding Act of 1852, to liquidate the Civil Debt of the State.

The opinion is expressed, and I doubt not by many honestly entertained, that the proposed extension of the Water Front of the city of San Francisco must render the harbor less safe than at present. To demonstrate the error of this opinion, it is only necessary, it is believed, to direct your attention to the existing state of things at that point.

It is a well known fact that, at this time, full one half of the more valuable vessels in the harbor of San Francisco are anchored out in the Bay, more than half a mile from the end of Long Wharf. These vessels, it is understood, have suffered no injury, though constantly exposed to all the dangers which can possibly exist, even if the Water Front was extended double the distance contemplated. The owners of these vessels, to say nothing of the duties enjoined on the Harbor Master, it is fair to presume, are prudent as well as experienced men, who would not permit their ships, laden with immensely valuable cargoes, to be moored in a dangerous position.

To assume that the Water Front of the city of San Francisco will not be extended, is to presume that the immense commerce now rapidly concentrating at that point, can be transacted within its present comparatively contracted limits, or that its operations will recede from, instead of encroach upon the water. The construction of the contemplated railroad from the Pacific to the Atlantic Ocean, will undoubtedly concentrate at San Francisco an amount of commercial business which will require for its safe, convenient and cheap transaction, more than five times the area at present occupied. The correctness of this opinion, it is assumed, will not be questioned by those who have given the subject proper consideration.

The finances of the State, as exhibited in the special report of the Comptroller, are now in such a condition as to render efficient action by the present Legislature absolutely necessary.

The duty has now devolved upon the agents of the State to devise means to maintain her credit, prevent a further accumulation of State indebtedness, and to effect as great a reduction of expenditures as possible, consistent with the public good.

In my annual message, I pointed out the reforms deemed practical and prudent, and it is not deemed necessary here to reiterate them.

To relieve existing embarrassments and maintain the credit of the State, the present Legislature must either dispose of the Beach and Water pro-

perty over which the State has exclusive control, or provide the means required by increased taxation.

The Beach and Water property at San Francisco, if advantageously disposed of, it is confidently believed, will yield an amount amply sufficient to place the credit of the State upon a permanent basis. The other mode of providing the required means, as above remarked, is increased taxation upon our constituents—at a time, too, when a large portion of them cannot meet additional demands without serious inconvenience. The fires and floods of the past year have swept from thousands of our most valuable and enterprising citizens nearly all their available means, leaving them little else than naked lots, and farms without herds. To burden the people with the increased taxation necessary to relieve the wants of the Treasury, in my judgment, would not only be exceedingly oppressive, but greatly retard the prosperity of the State. It is a well known fact that onerous taxation for years greatly retarded the settlement and growth of several of the other new States of the Confederacy, and will have the same blighting influence upon the interests of California, unless avoided.

No good reason has been or can be assigned, why the Legislature, in preference to increasing taxation upon the people, should not dispose of the Beach and Water property, and at once provide the means necessary to sustain the State's credit, and render unnecessary a further increase of indebtedness. It is true that objections have been urged to the measure; but inquiry and investigation have satisfied me that, although it may interfere with individual speculations, no injury to great public interests can possibly result from it.

The Debt of the State must continue to increase, and its evidences of indebtedness depreciate annually, until means are provided to meet, as they accrue, and in cash, the necessary expenses of government. At this time, every article purchased for State use, as well as every service rendered, costs the State, owing to the fact that her evidences of indebtedness are greatly depreciated, nearly forty per cent. more than if paid on demand and in cash. It is clear, then, that by providing the means necessary to meet, in cash, accruing demands, you at once reduce State expenditures more than one third. This desirable object, as well as the liquidation of at least the Civil Debt of the State, as before remarked, it is confidently believed, can be attained by disposing, under the provisions of a carefully guarded Legislative enactment, of the Beach and Water property held by the State.

Adopt the measures now proposed, and mature as speedily as possible the several reforms recommended in my annual message, and I fully believe that the credit of the State will be so well established, that nothing short of the most gross mismanagement of her financial affairs, can hereafter affect any material change.

Having thus candidly expressed my own views, I commend the whole subject to your careful consideration, with the assurance of my entire willingness to co-operate with you in the important work of relieving, by judicious legislation, the present embarrassed condition of our State finances, reducing public expenditures, and arresting a rapid accumulation of State indebtedness.

JOHN BIGLER.

Mr. Wing moved to take from the table Assembly bill for An Act to dispose of the interests of the State of California in certain property, and quiet the title thereto.

On which the ayes and nays were demanded, and the bill was taken from the table by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,

Messrs. Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Proctor,
Redding,
Rogers,
Tilghman,
Wells,
Wing—26.

NAYS.

Messrs. Cabaniss,
Canney,
Conness,
Crenshaw,
Estep,
Ewing,
Flower,
Hally,
Huse,
Letcher,
Mandeville,

Messrs. McFarland,
McGarry,
Owen,
Reading,
Robinson,
Sime,
Taylor,
Thomas,
Walker,
Yeiser,
Speaker—22.

Mr. Wall moved to make the bill the special order for Wednesday next, March 30th, 1853, at 12 o'clock, M., on which the ayes and nays were demanded, and the bill was so made the special order by the following vote :

AYES.

Messrs. Cabaniss,
Conness,
Crenshaw,
Estep,
Ewing,
Flower,
Gardner,

Messrs. McKamy,
Owen,
Proctor,
Reading,
Robinson,
Sime,
Snyder,

Messrs. Hally,
Huse,
Letcher,
Mandeville,
McFarland,
McGarry,

Messrs. Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—26.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Carhart,
Cardozo,
Covarrubias,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,

Messrs. Irwin,
Kittredge,
Meredith,
McCandless,
McMahon,
McMeans,
Myres,
Oliver,
Redding,
Rogers,
Tilghman,
Wing—24.

On motion of Mr. Myers, Assembly bill as amended by the Senate, for An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, was then taken up, and the Senate amendments concurred in, and one thousand copies of the bill ordered printed.

On motion of Mr. Hally, Senate bill for An Act to amend an Act to re-incorporate the city of Stockton, approved April 21st, 1852, was taken from the table, considered, read a third time, and passed.

On motion, at 3 o'clock, P. M., the House adjourned by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Carhart,
Crenshaw,
Flower,
Gardner,
Harrison,
Hunt,
Knight,
Letcher,
Mandeville,
McGarry,

Messrs. McKamy,
Moore,
Proctor,
Reading,
Redding,
Rogers,
Sime,
Taylor,
Thomas,
Wells,
Yeiser—23.

NAYS.

Messrs. Bell,
Blake,
Canney,
Cardozo,
Fairfax,
Hally,
Herbert,
Hoff,
Irwin,

Messrs. Leake,
Meredith,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Tilghman,
Wing—18.

HOUSE OF ASSEMBLY.

SATURDAY, March 26, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Gardner, Garfield, Hoff, Knight, McCandless, Proctor, Reading of Trinity, Redding of Yuba, Robinson, Thomas, Tilghman, Walker, and Yeiser.

On motion, leave of absence was granted for one day, to Messrs. Garfield, Reading of Trinity, Redding of Yuba, Robinson, Gardner, and Knight.

The Journal of Friday last was read and approved.

Mr. Owen presented the petition of J. S. Dean for a grant of certain property in the city of Benicia for the purpose of locating a United States Government Floating Dry Dock.

Which was read and referred to Committee on Commerce.

Mr. Letcher presented the petition of the Directors of the Pacific and Atlantic Railroad Company, praying for an extension of time for constructing their road.

Which was read and referred to the Committee on Corporations.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly bill for An Act to prevent persons from obstructing the channels of Humbolt Bay and Harbor, and recommended its passage.

The report was adopted and the bill ordered engrossed for a third reading.

Mr. Cardozo, from the Committee on Public Lands, reported back Assembly Joint Resolution relative to Public Lands, and Internal Improvements, and recommended its passage.

The report was adopted, and the resolution laid on the table.

Mr. Bostwick, from the select committee to whom was referred the subject of passing a law for the better observance of the Sabbath, submitted the following report. (See Appendix, No. 43.)

Which was read, laid on the table, and two hundred and forty copies ordered to be printed.

Mr. Bostwick, from the same committee, introduced a bill for An Act respecting the first day of the week, commonly called Sunday.

Which was read a first and second time, and laid over under the rules.

Assembly substitute for Assembly bill for An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital, together with the bill, was then taken up, and the substitute was adopted by the following vote :

AYES.

Messrs. Bell,
Bostwick,
Cabaniss,
Carhart,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Huse,
Kittredge,
Leake,
Letcher,

Messrs. Martin,
Meredith,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wells,
Wing,
Yeiser—38.

NAYS.

Mr. Conness—1.

The House went into committee of whole. (Mr. Taylor in the chair.) on the consideration of the substitute, and having considered the same, rose and reported it back, with amendments, recommended their adoption and asked to be discharged from further consideration of the subject.

Which was granted.

On the question of concurring in the amendments, the ayes and nays were demanded, and the amendments were concurred in by the following vote:

AYES.

Messrs. Bell,
Blake,
Carhart,
Cardozo,
Ewing,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Leake,
Mandeville,
Martin,

Messrs. Meredith,
McMahon,
McMeans,
Moore,
Oliver,
Owen,
Rogers,
Sime,
Taylor,
Tilghman,
Walker,
Wing,
Yeiser—26.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Crenshaw,
Estep,
Hunt,
Irwin,

Messrs. Kittredge,
Letcher,
McFarland,
McGarry,
McKamy,
Thomas,
Wells,
Speaker—16.

Mr. Hally moved that the bill be read a third time now.
On which the ayes and nays were demanded, and it was ordered to a third reading, by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,

Messrs. Meredith,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Snyder,
Taylor,
Thomas,
Tilghman,

Messrs. Hunt,
Leake,
Mandeville,
Martin,

Messrs. Walker,
Wells,
Wing,
Yeiser—34.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Estep,
Irwin,

Messrs. Kittredge,
Letcher,
McFarland,
McGarry,
Sime,
Speaker—12.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Cardozo,
Covarrubias,
Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Leake,
Mandeville,
Meredith,

Messrs. McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Rogers,
Sime,
Snyder,
Taylor,
Tilghman,
Walker,
Wing,
Yeiser—28.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Crenshaw,
Estep,
Hunt,
Irwin,

Messrs. Kittredge,
Letcher,
McFarland,
Owen,
Thomas,
Wells,
Speaker—15.

Mr. Wall, (Mr. Heydenfeldt in the chair,) moved to adjourn.
On which the ayes and nays were demanded and the House refused to adjourn by the following vote:

AYES.

Messrs. Cabaniss,
Conness,
Crenshaw,
Flower,
Leake,
Letcher,
McFarland,
McGarry,
Moore,

Messrs. Oliver,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Wells,
Yeiser,
Speaker—18.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Heydenfeldt,
Hoff,

Messrs. Hunt,
Irwin,
Kittredge,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Tilghman,
Walker,
Wing—28.

Mr. Ewing moved to reconsider the vote of yesterday, by which Assembly bill for An Act to dispose of the interests of the State of California in certain property and quiet the title thereto, was made the special order for Wednesday next at 12 o'clock, M.

Mr. Owen in the chair.

Mr. Wall moved a call of the House.

On which the ayes and nays were demanded, and the House refused to sustain the call by the following vote :

AYES.

Messrs. Cabaniss,
Conness,
Crenshaw,
Flower,
Hoff,
Letcher,
Mandeville,

Messrs. Oliver,
Owen,
Sime,
Snyder,
Taylor,
Thomas,
Wells,

Messrs. McFarland,
McGarry,
Moore,

Messrs. Yeiser,
Speaker—19.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Heydenfeldt,

Messrs. Hunt,
Irwin,
Kittredge,
Leake,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Tilghman,
Walker,
Wing—27.

Mr. Taylor moved to lay the motion to reconsider, on the table.
On which the ayes and nays were demanded, and the House refused
to lay on the table, by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Letcher,
McFarland,
McGarry,
Moore,
Oliver,

Messrs. Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—19.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,

Messrs. Hunt,
Irwin,
Kittredge,
Leake,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,

Messrs. Harrison,
Herbert,
Heydenfeldt,
Hoff,

Messrs. Rogers,
Tilghman,
Wing—27.

Mr. Herbert moved that the "previous question," be now put.
On which, the ayes and nays were demanded, and the motion was sustained by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Hunt,

Messrs. Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—27.

NAYS.

Messrs. Conness,
Crenshaw,
Flower,
Heydenfeldt,
Hoff,
McFarland,
McGarry,
Moore,
Oliver,

Messrs. Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—18.

The main question was then put.
On which the ayes and nays were demanded, and the vote was reconsidered by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,

Messrs. Hoff,
Hunt,
Irwin,
Kittredge,
Meredith,
McCandless,

Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Heydenfeldt,

McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—26.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Leake,
Letcher,
Mandeville,
McFarland,
McGarry,
Moore,

Messrs. Oliver,
Owen,
Proctor,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—22.

The question then being on making the bill the special order for Wednesday next at 12 o'clock, M.

The ayes and nays were demanded, and it was decided in the negative, by the following vote :

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Hally,
Leake,
Letcher,
Mandeville,
McFarland,
McGarry,
Moore,

Messrs. Oliver,
Owen,
Proctor,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—23.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart
Cardozo,
Covarrubias,

Messrs. Hunt,
Irwin,
Kittredge,
Meredith,
McCandless,
McKamy,

Messrs. Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Heydenfeldt,

Messrs. Hoff,
McMahon,
McMeans,
Rogers,
Tilghman,
Wing—25.

Mr. Wall moved that the bill be made the special order for Wednesday next, at half past eleven o'clock, A. M.

On which, the ayes and nays were demanded, and it was decided in the negative by the following vote :

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Hally,
Letcher,
Mandeville,
McFarland,
McGarry,
Moore,

Messrs. Oliver,
Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—21.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,

Messrs. Hunt,
Irwin,
Kittredge,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—24.

Mr. Wall moved that the bill be made the special order for Wednesday next at eleven o'clock, A. M

On which, the ayes and nays were demanded, and it was decided in the negative by the following vote :

AYES.

Messrs. Cabaniss,
Conness,
Crenshaw,
Flower,
Hally,
Heydenfeldt,
Letcher,
Mandeville,
McGarry,
Moore,

Messrs. Oliver,
Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,

Messrs. Irwin,
Kittredge,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—23.

Mr. Wing moved that the House now go into committee of the whole on the consideration of the bill.

Mr. Crenshaw moved as an amendment that the House go into committee of the whole on the consideration of the bill, on Tuesday next at 12 o'clock M.

On which the ayes and nays were demanded and decided in the negative by the following vote :

AYES.

Messrs. Cabaniss,
Conness,
Crenshaw,
Flower,
Hally,
Heydenfeldt,
Letcher,
Mandeville,
McFarland,
McGarry,
Moore,

Messrs. Oliver,
Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells—26.
Yeiser,
Speaker—21.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Herbert,
Hoff,
Hunt,

Messrs. Irwin,
Kittredge,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—23.

Mr. Oliver moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote :

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Letcher,
McFarland,
McGarry,
Moore,
Oliver,

Messrs. Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—19.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,

Messrs. Hunt,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—28.

Mr. Wing moved that the previous question be now put.

On which, the ayes and nays were demanded, and it was decided in the affirmative, by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Hoff,

Messrs. Hunt,
Irwin,
Kittredge,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—26.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Heydenfeldt,
Letcher,
Moore,
Oliver,

Messrs. Owen.
Sime,
Snyder,
Taylor,
Thomas,
Wells,
Yeiser,
Speaker—17.

The main question was then put.

On which the ayes and nays were demanded and the House agreed to go into committee of the whole, by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Hoff,

Messrs. Hunt,
Irwin,
Kittredge,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—26

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Heydenfeldt,
Letcher,
Moore,

Messrs. Oliver,
Sime,
Snyder,
Taylor,
Wells,
Yeiser,
Speaker—15.

The House then went into committee of the whole, (Mr. Wing in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back with amendments, and asked to be discharged from the further consideration of the subject.

Which was granted.

Mr. Herbert moved a call of the House.

On which the ayes and nays were demanded.

And the call was sustained by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,

Messrs. Huse,
Irwin,
Kittredge,
Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Rogers,
Tilghman,
Wells,
Wing—29.

NAYS.

Messrs. Flower,
McGarry,
Oliver,
Sime,

Messrs. Snyder,
Taylor,
Speaker—7.

The roll was then called by the Clerk, and the following members were found absent:

Messrs. Bostwick, Cabaniss, Crenshaw, Knight, Martin, McFarland, Moore, Pacheco, Robinson and Walker.

Mr. Myres moved that further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Myres moved that the House concur in the amendments reported by the committee of the whole.

Mr. Wing moved the previous question.

On which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse.

Messrs. Irwin,
Kittredge,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Rogers,
Tilghman,
Wells,
Wing—28.

NAYS.

Messrs. Hally,
Heydenfeldt,

Mr. Leake—3.

No quorum voting,

Mr. Rogers moved a call of the House.

On which the ayes and nays were demanded.

And the call was sustained by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,

Messrs. Huse,
Irwin,
Kittredge,
Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Proctor,
Rogers,
Tilghman,
Wing—30.

NAYS.

Messrs. Conness,
McGarry,
Oliver,

Messrs. Taylor,
Thomas—5.

The roll was then called by the Clerk, and the following members were found absent :

Messrs. Blake, Bostwick, Cabaniss, Crenshaw, Martin, Moore, Pacheco Snyder, Walker and Yeiser.

On motion of Mr. Herbert, further proceedings under the call were dispensed with.

Mr. Wing, on leave, withdrew the motion for the previous question.

Mr. Crenshaw moved that the bill be made the special order for Tuesday next, at 12 o'clock, M.

On which the ayes and nays were demanded.

And it was decided in the negative by the following vote :

AYES.

Messrs. Conness,
Crenshaw,
Flower,
Hally,
Heydenfeldt,
Huse,
Leake,
Letcher,
Mandeville,
McFarland,
McGarry,

Messrs. Oliver,
Owen,
Proctor,
Sime,
Snyder,
Taylor,
Thomas,
Wells,
Yeiser,
Speaker—23.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,

Messrs. Hunt,
Irwin,
Kittredge,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—24.

On motion of Mr. Brush, the bill was then made the special order of the day for Tuesday next, immediately after roll call.

A message was received from the Senate, informing the Assembly that,

they passed, on the 23d inst., An Act supplementary to an Act creating and regulating Public Ferries, passed March 18th, 1850;

Also, Assembly Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State;

Also, Assembly bill for An Act to exempt Firemen from Militia service and Jury duty.

Senate bill for An Act supplementary to an Act creating and regulating Public Ferries, passed March 18, 1850, was read a first time, and laid over under the rules.

A message was received from the Governor, informing the Assembly that he did, on the 25th inst., approve An Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization;

Also, An Act to ascertain the Indebtedness of Mariposa and El Dorado Counties;

And An Act to exempt Firemen from Militia service and Jury duty.

On motion, at 9 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, March 28, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Blake, Carhart, Covarrubias, Estep, Fairfax, Gardner, Garfield, Huse, Irwin, Leake, Martin, McCandless, McMeans, Myres, Pacheco, Reading of Trinity, Robinson, Sime, Thomas, Tilghman, Wing and Mr. Speaker.

On motion, leave of absence was granted for one day each to the absentees.

On motion of Mr. Cardozo, the reading of the of the Journal was dispensed with.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, and the report was adopted.

Mr. Meredith gave notice that he would, at an early day, introduce a bill for An Act to amend an Act to provide for levying, assessing and collecting the Public Revenue.

Mr. Hally submitted the following resolution, which was read and adopted:

Resolved, That the Rev. Bishop Soule be, and he is hereby invited to preach in the capitol, at Benicia, at such time as may suit his convenience.

Mr. McMeans introduced a Joint Resolution for the relief of C. H. Veeder.

Which was read a first and second time, and referred to the Committee on Claims.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor.

Also, An Act for dividing the county of Los Angeles, and making a new county therefrom, and the report was adopted.

On motion of Mr. Crenshaw, Assembly bill for An Act for the relief of Thomas A. Hilton, M.D., was taken from the table, and read a second time.

The House then went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill, and having considered the same, rose, and reported it back with an amendment, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendment was then concurred in by the House, and the bill as amended was then read a third time, and passed.

Mr. McMeans submitted a resolution, authorizing the chairman of the Committee on State Hospitals to employ a Clerk.

Which was read and adopted.

Mr. Myres, on leave, introduced a bill for An Act to amend the fourth section of an Act respecting Fugitives from labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

Which was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for An Act dividing the county of Los Angeles, and making a new county therefrom, was then taken up, read a third time and passed.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to provide for the payment of the per diem and expenses of the Legislature during the year 1854, with an amendment.

Which was adopted, and the bill laid on the table.

A message was received from the Senate, informing the Assembly that they did, on the 26th instant, pass An Act for the relief of Wm. Akenhead, County Treasurer of Santa Clara county.

And An Act for the relief of Capt. Joseph Walker.

Senate bill for An Act for the relief of Wm. Akenhead, County Treasurer of the county of Santa Clara, was then taken up, read a first and second time, and referred to the Committee on Claims.

Senate bill for An Act for the relief of Capt. Joseph Walker, was then taken up, read a first and second time, when the House went into committee of the whole, (Mr. Myres in the chair,) on the consideration of the bill; and having considered the same, rose, and reported it back without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, under a suspension of the rules, and passed.

The following message was received from the Senate :

Mr. Speaker :

The Senate passed, on the 25th instant, An Act to provide for the Incorporation of Railroad Companies.

And passed An Act to provide for the formation of Corporations for certain purposes.

And passed, this day, An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay.

By order of the Senate.

A. C. BRADFORD,
Secretary.

March 26, 1853.

Senate bill for An Act to provide for the Incorporation of Railroad Companies, was then taken up, read a first and second time, and referred to the Committee on Corporations, and two hundred and forty copies ordered to be printed.

Senate bill for An Act to provide for the formation of Corporations for certain purposes, was then taken up, read a first and second time, and referred to the Committee on Corporations, and two hundred and forty copies ordered to be printed.

Senate bill for An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay, was then taken up, read a first and second time, and referred to the Committee on Claims.

On motion of Mr. Proctor, Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18th, 1853, was taken from the table, and referred to the Committee on Commerce.

Mr. Herbert introduced a Joint Resolution requiring the Comptroller to draw his warrant for the arrest or killing of the robber Joaquin.

Which was read a first and second time, and referred to the Committee on Military Affairs.

Mr. Crenshaw presented the account of George Drugley, for \$171 33, for furniture furnished the Assembly Chamber.

Which was read and ordered to be paid.

On motion of Mr. Heydenfeldt, Mr. Redding of Yuba, and Mr. Estep, were added to the Committee on Corporations.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act for the payment of certain persons therein named, for services rendered and materials furnished ; with amendments, and recommended its passage.

The amendments were adopted, and the House then went into committee of the whole, (Mr. Hoff in the chair,) on the consideration of the bill ; and

having considered the same, rose, and reported it back, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill, as amended, was then read a third time and passed.

Assembly bill for An Act to provide for enforcing the collection of taxes on consigned goods, was then taken from the table, and referred to the Judiciary Committee, with instructions to report on Monday next.

On motion of Mr. McGarry, Assembly bill for An Act for the relief of James M. Cranston, was taken up.

The House then went into committee of the whole, (Mr. Redding in the chair,) on the consideration of the bill, and having considered the same, rose, reported it back, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and passed.

Mr. Letcher, on leave, introduced a bill for An Act to amend the thirtieth section of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 28, 1851.

Which was read a first and second time, and referred to the Committee on Corporations.

Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, made the special order for to-day, at 12 o'clock, M., was then taken up.

Mr. Hoff moved that the bill be made the special order for Wednesday next, at 12 o'clock, M.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote.

AYES.

Messrs. Brush,
Conness,
Covarrubias,
Flower,
Hally,
Hoff,
Letcher,
McFarland,

Messrs. McGarry,
McMahon,
Moore,
Myres,
Rogers,
Thomas,
Tilghman,
Yeiser—16.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Cardozo,
Ewing,
Herbert,
Heydenfeldt,
Hunt,
Kittredge,
Knight,

Messrs. Meredith,
McKamy,
McMeans,
Oliver,
Owen,
Proctor,
Redding,
Snyder,
Wells—19.

Mr. McCandless, at 2 o'clock, P. M., moved to adjourn.

On which the ayes and nays were demanded, and the House adjourned by the following vote :

AYES.

Messrs. Brush,
Conness,
Covarrubias,
Flower,
Hally,
Harrison,
Herbert,
Hoff,
Hunt,
Kittredge,
Letcher,
Meredith,

Messrs. McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
Moore,
Oliver,
Taylor,
Thomas,
Tilghman,
Yeiser—23.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Cardozo,
Ewing,
Heydenfeldt,
Knight,
Leake,

Messrs. McMeans,
Myres,
Owen,
Proctor,
Redding,
Rogers,
Snyder,
Wells—16.

HOUSE OF ASSEMBLY.

TUESDAY, March 29, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Conness, Estep, Knight, Martin, Walker and Yeiser.

The Journal of Saturday and Monday last were read and approved.

Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, pending at the time of adjournment on yesterday, was then taken up and laid on the table.

The following message was received from the Governor, read, and with the accompanying documents, laid on the table: (Information in regard to water lots of San Francisco, see Appendix, No. 44)

Assembly bill for An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto, was then taken up.

On motion of McMeans, the House then went into committee of the whole, Mr. Redding, of Yuba, in the chair, on the consideration of the bill, and having made some progress thereon, rose and reported the same to the House, and asked leave to sit again.

Which was granted.

Pending the consideration of the bill, a message was received from the Senate and laid on the table.

On motion, at 4 o'clock P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 30, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Blake, Heydenfeldt, McCandles, Moore, Tilghman and Yeiser.

The Journal of Tuesday last was read and approved.

The following message, received from the Senate on yesterday, and laid on the table, was taken up.

Mr. Speaker :

The Governor approved, on the 25th inst., An Act for the relief of J. D. Monnett, M. D., for services rendered sick Emigrants ;

And An Act to provide for the publication and distribution of the Map of the State, as compiled by the Surveyor-General.

The Senate passed on the 26th inst., with amendments. Assembly bill for An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund ;

And with amendments, Assembly bills for An Act to enforce the payments of Licences in this State ;

And for An Act amendatory of and supplementary to sections four and eight of An Act concerning Divorces, passed March 25, 1851 ;

And passed without amendment Assembly bills for An Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the Seat of Justice of said county ;

And for An Act to legalize certain official acts of William J. Lewis, County Surveyor of the county of Santa Clara ;

And passed on the 25th inst., Senate bills for An Act to provide a Library for the Supreme Court ;

And An Act prescribing the time of holding the District Court in the 5th Judicial District.

And passed this day, Senate bills for An Act to authorize poor persons, in certain cases, to prosecute suits without the payment of costs ;

An Act concerning Sureties on Official Bonds ;

An Act to amend an Act defining the right of Husband and Wife, passed on April 17, 1850 ;

And An Act in relation to Personal Mortgages in certain cases ;

And refused to concur in Assembly amendments to Senate bill for the payment of certain persons therein named, for services rendered and materials furnished ; and have appointed as a committee of conference on the part of the Senate, upon the disagreeing vote of the two Houses, Messrs. Coffroth, Lyons and Snyder ;

And passed also this day, An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia.

By order of the Senate.

A. C. BRADFORD,
Secretary.

March 29, 1853.

Assembly bill as amended by the Senate, for An Act to provide for the redemption of Comptroller's Warrants, drawn payable out of the General Fund, was then taken up, and the Senate amendments concurred in.

Assembly bill, as amended by the Senate, for An Act to enforce the payment of Licenses in this State, was then taken up, and the Senate amendments concurred in.

Assembly bill, as amended by the Senate, for An Act amendatory of and supplementary to sections four and eight of An Act concerning Divorces, passed March 25, 1853, was then taken up, and the Senate amendments concurred in.

Senate bill for An Act to provide a Library for the Supreme Court, was then taken up, read a first time, and laid over under the rules.

Senate bill for An Act prescribing the time of holding the District Court in the Fifth Judicial District, was then read a first time and laid over, under the rules.

Senate bill for An Act to authorize poor persons, in certain cases, to prosecute suits without the payment of costs, was then read a first time, and laid over under the rules.

Senate bill for An Act concerning sureties on Official Bonds, was then read a first time and laid over under the rules.

Senate bill for An Act to amend an Act defining the rights of husband and wife, passed April 17, 1850, was then read a first and second time, and referred to the Judiciary Committee.

Senate bill for An Act in relation to personal mortgages in certain cases, was then read a first time, and laid over under the rules.

Senate bill for An Act to authorize the Pacific Mail Steamship Company, to hold, use, and occupy certain lands in the city of Benicia, was then read a first and second time, and referred to the Judiciary Committee.

Mr. Sime moved that a committee of three be appointed on the part of the Assembly to confer with a similar committee on the part of the Senate, on the disagreeing vote of the two Houses on Senate bill for An Act for the payment of certain persons therein named, for services rendered and materials furnished.

Which was agreed to, and the chair appointed as such committee, Messrs. Sime, Crenshaw, and Leake.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital.

Also, An Act for the relief of James M. Cranston.

Also, An Act for the relief Thomas A. Hilton, M. D.

And the report was adopted.

Mr. Johnson presented the petition of six hundred citizens of Sacramento, praying for the passage of a law for the better observance of the Sabbath.

Which was read and laid on the table.

Mr. Sime, on leave, introduced a bill for An Act securing to mechanics and others, a lien for work done, and materials furnished.

Which was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor, was then taken up, read a third time, and passed.

Assembly bill for An Act to amend an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress, was then taken up, read a third time and passed.

Assembly bill for An Act respecting the first day of the week commonly called Sunday, was then taken up.

On motion of Mr. Heydenfeldt, the House then went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill, and having made some progress thereon, rose, and reported it back, and asked leave to sit again.

Which was granted, and the bill was laid on the table.

Assembly bill for An Act to dispose of the interest of the State of California in certain property and quiet the title thereto, was then taken up.

On motion of Mr. McMeaus, the House then went into committee of the whole, (Mr. Redding of Yuba, in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back with amendments recommending their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, March 31, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—

Messrs. Carhart, Heydenfeldt, Leake, Mandeville, Martin, McCaudless, Reading of Trinity, Wells and Yeiser.

On motion, leave of absence was granted for one day each to Messrs. Garfield, Canney, Knight, and Wells.

The Journal of Wednesday last was read and approved.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the relief of Capt. Joseph Walker ;

An Act to amend an act entitled an Act concerning Passengers arriving in the Ports of the State of California ;

An Act for the submission to the people of the location of the permanent Seat of Justice of Tulare County ;

And also, An Act to legalize certain official acts of Wm. J. Lewis, County Surveyor of Santa Clara County.

And the report was adopted.

Mr. Bostwick, from the same committee, reported as correctly enrolled, An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund.

And the report was adopted.

Mr. Redding of Yuba, from the select committee, reported back Assembly bill for An Act to ascertain and provide for the payment of the Debt due from Sierra County to Yuba County, without amendment, and recommended its passage.

The report was adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Rogers, from the select committee to whom was referred the petitions of citizens of Calaveras and El Dorado Counties, praying for the creation of a new county, reported Assembly bill for An Act to create the County of Mokelumne, and provide for the organization of the same.

Which was read a first and second time, and referred to the Committee on Counties and County Boundaries.

Mr. Blake introduced a resolution tendering the use of this room to Miss Catherine Hayes, on Friday evening next, for a musical entertainment.

Which was adopted.

Mr. Covarrubias, from the Committee on Military Affairs, reported back Assembly Joint Resolution requiring the Comptroller to draw his Warrant for five thousand dollars, in favor of any person or persons arresting or capturing the robber Joaquin, with amendments, and recommended its passage.

The amendments were then adopted.

And the House went into committee of the whole, (Mr. Redding, of Yuba, in the chair,) on the consideration of the resolution, and having considered the same, rose and reported it back, and recommended that it be recommitted to the Committee on Military Affairs with instructions to bring in a bill, and asked to be discharged from the further consideration of the subject.

Which was granted.

The resolution was then recommitted to the Committee on Military Affairs, with instructions to bring in a bill embodying the subject of the resolution.

A message was received from the Senate, informing the Assembly that they did, on the 30th inst., pass Senate bill for An Act to amend an act entitled an Act to provide for levying, assessing and collecting the Public Revenue, approved April 23d, 1852.

The bill accompanying the message was then read a first and second time, and referred to the Committee on Ways and Means.

Senate bill for An Act prescribing the time of holding the District Court in the fifth judicial district, was then read a second time, and referred to the Judiciary Committee.

Mr. McFarland, on leave, introduced a bill for An Act for the relief of Manuel Garfus.

Which was read a first and second time, and referred to the Committee on Claims, and ordered not to be printed.

Mr. Smith, on leave, introduced a bill for An Act amendatory of an Act entitled an Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization, passed March 25, 1853.

Which was read a first and second time, the rules being suspended ; it was then read a third time and passed.

On motion of Mr. Brush, Assembly bill for An Act to dispose of the interest of the State of California in certain Property, and quiet the Title thereto, with the amendments reported by the committee of the whole, was then taken up.

Mr. Robinson moved a call of the House.

Which was sustained, and on the roll being called, the following members were found absent :

Messrs. Carhart, Fairfax, Martin, Oliver and Yeiser.

On motion, the Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Fairfax, Oliver, McCandless, Yeiser and Carhart appeared at the bar of the House, were admitted, excused, and took their seats.

On motion of Mr. Rogers, further proceedings under the call were dispensed with.

Mr. Johnson submitted the following resolution :

Resolved, That the bill entitled An Act to dispose of the Interest of of the State of California in certain property and quiet the title thereto, be recommitted to the Committee on Ways and Means, with instructions to report a bill providing for the adjudication of conflicting claims to such property, between the State and parties claiming adversely thereto ; such adjudication to be conducted before the District and Superior Courts of the County and City of San Francisco, with the right of appeal therefrom to the Supreme Court of the State, by any party interested.

On the question of the adoption of the resolution, the ayes and nays were demanded.

And the House refused to adopt by the following vote :

AYES.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,

Messrs. McGarry,
Moore,
Pacheco,
Proctor,
Reading,
Robinson,

Messrs. Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,

Messrs. Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—24.

NAYS.

Messrs. Bell,
Blake,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Tilghman,
Walker,
Wilson,
Wing—30.

The question then being on the adoption of the amendments reported by the committee of the whole,

Mr. Brush moved that the amendments be considered separately.

Which was agreed to.

The following amendment, as a substitute for the first section, was then taken up and read:

SECTION 1. All the right, title, and interest of the State of California, in and to the following tract, or parcel of land, covered with water, lying and being in the city and county of San Francisco, and bounded as follows:

Commencing at a point where Larkin street intersects Jefferson street, as designated on the official map of the city of San Francisco of January 15th, 1851, by Wm. M. Eddy; thence on a line parallel with Larkin street, six hundred feet northerly; thence easterly, southerly, south, and south-westerly, by a continuous line parallel with the water front of said city, as defined in the first section of An Act of the Legislature of the State of California, entitled An Act to dispose of certain property of the State of California, passed March 26th, 1851, at a distance of six hundred feet at all points from said line as established by said Act, to a point opposite the south-western terminus of Simmons street, six hundred feet in a direct line with said street, from the terminus thereof, when extended six hundred feet; thence, northerly, to a point where Simmons street intersects South street; thence, by a continuous line along the water front of said City as designated by said Act, back to the place of beginning; and also, all the right, title, and interest of the State of California in and to

any and all property within the limits of said city of San Francisco, is hereby confided to the charge of a Board of five Commissioners with power to dispose of the same on behalf of the State; which Board of Commissioners shall be appointed, empowered and directed, as described and specified in subsequent sections of this Act.

The question then being on the adoption of the amendment.

On which, the ayes and nays were demanded, it was adopted by the following vote:

AYES.

Messrs. Bell,
Brush,
Caldwell,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,

Messrs. Kittredge,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Walker,
Wilson,
Wing—28.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
McGarry,

Messrs. Moore,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—23.

The first amendment to section second, to strike out the words "tract or parcel," and insert "tracts and parcels," was then taken up and adopted.

The second amendment to section second to strike out the words "as near in conformity to the present plan of the survey of beach and water lots in said city," was then taken up, and on the question of its adoption the ayes and nays were demanded by Messrs. Robinson, Hally, and Johnson.

The amendment was adopted by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,

Messrs. Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Rogers,
Smith,
Tilghman,
Walker,
Wells,
Wing—29.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
McGarry,

Messrs. Moore,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—25.

The third amendment to the second section, to insert after the word "Act" in the 8th line the following words "or any or all lands belonging to the State in said city of San Francisco," was then taken up and on the question of its adoption, the ayes and nays were demanded and the House refused to adopt by the following vote:

AYES.

Messrs. Bell,
Blake,
Caldwell,
Cardozo,
Covarrubias,
Estep,

Messrs. Ewing,
Hoff,
Hunt,
Irwin,
Kittredge,
Meredith,

Messrs. McCandless,
McKamy,
Redding,

Messrs. Rogers,
Tilghman,
Wilson—18.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Crenshaw,
Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Huse,
Johnson,
Letcher,
Mandeville,
McFarland,
McGarry,

Messrs. McMahon,
McMeans,
Moore,
Myres,
Owen,
Pacheco,
Proctor,
Robinson,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Walker,
Wing,
Yeiser,
Speaker—35.

Amendment to section three, to "strike out the whole of section three," was then taken up, and,

On the question of its adoption, the ayes and nays were demanded, and the House refused to strike out the section by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,

Messrs. McGarry,
Moore,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Thomas,
Yeiser,
Speaker—23.

NAYS.

Messrs. Bell,
Blake,
Brush,

Messrs. Cardozo,
Covarrubias,
Crenshaw,

Messrs. Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,

Messrs. McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Taylor,
Tilghman,
Walker,
Wilson,
Wing—33.

Amendment to section three to insert after the words "that the," the word "water," was then taken up, and adopted by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Hoff,
Hunt,
Irwin,
Kittredge,
Leake,

Messrs. Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Owen,
Redding,
Rogers,
Smith,
Taylor,
Tilghman,
Wilson,
Wing—29.

NAYS.

Messrs. Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Hally,
Herbert,
Heydenfeldt,
Huse,
Johnson,
Letcher,
McFarland,
McGarry,

Messrs. Moore,
Myres,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Snyder,
Thomas,
Walker,
Yeiser,
Speaker—25.

Amendment to section four, to strike out the words "tract or parcel," and insert the words "tracts or parcels," was then taken up, and on the question of its adoption, the ayes and nays were demanded, and the amendment was adopted by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Tilghman,
Wing—30.

NAYS.

Messrs. Cabaniss,
Caldwell,
Conness,
Crenshaw,
Gardner,
Hally,
Johnson,
Letcher,
McFarland,

Messrs. McGarry,
Moore,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Speaker—17.

Amendment to fourth section, to insert after the word settle, the word "with," and to strike out the words "at once," was then taken up, and adopted by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Herbert,

Messrs. Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,

Messrs. Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Leake,

Messrs. Rogers,
Smith,
Tilghman,
Walker,
Wing—29.

NAYS.

Messrs. Cabaniss,
Caldwell,
Conness,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,

Messrs. McGarry,
Moore,
Reading,
Robinson,
Snyder,
Taylor,
Thomas—15.

Amendment to section seven, to fill first blanks with the word "sixty," was then taken up and adopted.

The following as an amendment to section seven, strike out the words "at least — of the daily newspapers printed in the said city and the city of Sacramento," and insert the following, "the daily papers of San Francisco and Sacramento, and the papers of Stockton, Marysville, and Nevada, and the paper published in San Diego, and by printed handbills in the principal cities and towns in the State," was then taken up, and,

On the question of its adoption, the ayes and nays were demanded, and the House refused to adopt the amendment by the following vote:

AYES.

Messrs. Bostwick,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
McFarland,
McGarry,
Moore,
Pacheco,

Messrs. Proctor,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bell,
Brush,
Cabaniss,
Caldwell,
Cardozo,
Covarrubias,

Messrs. Kittredge,
Leake,
Letcher,
Mandeville,
Meredith,
McKamy,

Messrs. Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,

Messrs. McMahon,
McMeans,
Myres,
Oliver,
Owen,
Rogers,
Tilghman,
Wilson,
Wing—30.

Amendment to the tenth section was then taken up and adopted.

Amendment to strike out the whole of the fourteenth section was then taken up and adopted.

Amendment to make section fifteen section fourteen of the bill, was then adopted.

Amendment to make section sixteen section fifteen was also adopted.

First amendment to section fifteen to strike out the word "ten," and insert the word "fifteen," was then taken up and adopted.

Amendment to add to section fifteen the following words, "Provided such amount shall include in full the compensation of such Commissioners," was then taken up.

And on the question of its adoption, the ayes and nays were demanded.

And the amendment was adopted by the following vote:

AYES.

Messrs. Blake,
Caldwell,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Leake,
Letcher,
Meredith,
McGarry,

Messrs. McMeans,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Smith,
Taylor,
Thomas,
Tilghman,
Walker,
Wilson,
Wing,
Yeiser,
Speaker—42.

NAYS.

Messrs. Bell,
Bostwick,
Brush,
Flower,
Kittredge,

Messrs. Mandeville
McCandless,
McKamy,
McMahon,
Snyder—10.

Mr. Heydenfeldt moved a call of the House.

Which was sustained, and on the roll being called, the following members were found absent:

Messrs. Bostwick, Carhart and McMahon.

Messrs. Bostwick, Carhart and McMahon, appeared at the bar of the House, were admitted, excused, and took their seats.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

On motion, at two o'clock, P. M. the House took a recess until 4 o'clock.

4 o'clock, P. M.

The House re-assembled, and resumed the consideration of the amendments to the bill.

Mr. Myres moved a call of the House.

Which was sustained, and on the roll being called, the following members were found absent:

Messrs. Bostwick, Gardner and Proctor.

Messrs. Bostwick, Gardner and Proctor appeared at the bar of the House, were admitted, took their seats, and were excused.

Amendment to section fifteen, to add to section as amended by the following: "*And further provided, That said Commissioners, shall each receive the sum of two thousand dollars per annum, in full for their services,*" was then taken up.

And on the question of its adoption, the ayes and nays were demanded.

And it was adopted by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Fairfax,
Flower,
Gardner,
Hally,
Heydenfeldt,
Hoff,

Messrs. Moore,
Oliver,
Owen,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Smith,
Taylor,

Messrs. Huse,
Johnson,
Letcher,
McFarland,
McGarry,

Messrs. Thomas,
Tilghman,
Walker,
Yeiser,
Speaker—32.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Herbert,
Hunt,
Irwin,

Messrs. Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Wilson,
Wing—24.

Amendment as a new section, to be section sixteen of the bill, was then taken up and adopted.

Mr. Johnson moved to amend section four, by striking out the word "one" and inserting the word "two," so as to read "*two-thirds*."

On which the ayes and nays were demanded.

And the House refused to adopt the amendment by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
McGarry,

Messrs. Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Yeiser,
Speaker—26.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,

Messrs. Leake,
Mandeville,
Meredith,
McCandless,

Messrs. Cardozo,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,

Messrs. McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Tilghman,
Walker,
Wilson,
Wing—30.

Mr. Johnson submitted the following as an amendment, to be added after the last word in section four: "*And further provided*, That either the State or any party interested in such decision, and claiming adversely thereto, at any time within one year from the date of such decision, shall have the right to appeal from any decision so made to the Supreme Court of this State; such appeal to be, as nearly as practicable, governed by the same rules and laws regulating appeals to such court from the District Courts of the State."

On the adoption of which, the ayes and nays were demanded.

And the House refused to adopt by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,

Messrs. McGarry,
Moore,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Thomas,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,

Messrs. Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Smith,
Tilghman,

Messrs. Hunt,
Huse,
Irwin,
Kittredge,

Messrs. Walker,
Wilson,
Wing—31.

Mr. Wing moved to amend the seventh section, by filling blanks with the word "three," and after the word "and" insert the words "two in."

Which was agreed to.

Mr. Brush moved to amend 4th section, second line, by striking out the word "has" and inserting the word "have."

Which was agreed to.

Mr. Sime moved to amend the 4th section by striking out all after the word "them" in the sixth line, and inserting the following—"to accept a bid for all the right, title and interest of the State in the said tracts or parcels of land from any party or parties, and give a quit claim deed for the same: *Provided*, the amount paid for all the right, title and interest of the State shall not be less than three million of dollars."

On the adoption of which the ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Letcher,
McFarland,
McGarry,

Messrs. Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Yeiser,
Speaker—22.

NAYS.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,

Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Smith,
Thomas,
Tilghman,

Messrs. Huse,
Irwin,
Kittredge,

Messrs. Walker,
Wilson,
Wing—34.

Mr. Taylor moved to amend by adding the following words to the first section: "*Provided*, the water front of the said city shall not be extended beyond any point where there is a depth of water of more than forty feet."

On the adoption of which the ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Letcher,
McFarland,
McGarry,

Messrs. Moore,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—22.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Tilghman,
Walker,
Wilson,
Wing—32.

Mr. Flower moved to amend by striking out section four and inserting the following words:

"After said tract or parcel of land has been mapped or plotted, and the same filed in the proper office, it shall be the duty of the commissioners appointed under the provisions of this Act to proceed and sell, or cause to be sold, at public auction, to the highest bidder, for cash in hand or Comp-

troller's Warrants at par, issued on account of the civil indebtedness of the State, all of the aforesaid property, and to pay the proceeds thereof into the State Treasury, in the manner provided for by this Act."

The question then being on the adoption of the amendment, the ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,

Messrs. McGarry,
Moore,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—24.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Smith,
Tilghman,
Walker,
Wilson,
Wing—32.

Mr. Irwin then moved that the bill be ordered engrossed for a third reading.

On which the ayes and nays were demanded, and the bill was ordered to be engrossed by the following vote:

AYES.

Messrs. Bell,
Blake,

Messrs. Letcher,
Mandeville,

Messrs. Brush,
Cabaniss,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Kittredge,
Leake,

Messrs. Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Owen,
Proctor,
Redding,
Robinson,
Rogers,
Snyder,
Smith,
Tilghman,
Walker,
Wilson,
Wing—40.

NAYS.

Messrs. Bostwick,
Conness,
Flower,
Gardner,
Hally,
Heydenfeldt,
McFarland,
McGarry,

Messrs. Pacheco,
Reading,
Sime,
Taylor,
Thomas,
Yeiser,
Speaker—15.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act amendatory of an Act to create the county of Alameda, and establish the Seat of Justice therein, to define its boundaries and to provide for its organization, passed March 25, 1853.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to enforce the payment of Licenses in this State; An Act amendatory of section four of an Act concerning Divorces, passed March 25, 1851;

And the report was adopted.

A message was received from the Governor informing the Assembly that he had, on this day, approved an Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the Seat of Justice of said county.

Also, An Act to legalize certain official acts of William J. Lewis, County Surveyor of Santa Clara.

On motion, at 8 o'clock P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 1, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Carhart, Covarrubias, Crenshaw, Fairfax, Garfield, Knight, Leake, McCandless, Moore, Myres, Smith and Wells.

On motion, leave of absence for one day each was granted to Messrs. Garfield, Wells and Knight.

The Journal of Thursday last was read and approved.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to dispose of the interest of the State of California in certain property and quiet the title thereto : also,

An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to amend an Act entitled an Act concerning passengers arriving in the ports of the State of California : and

An Act to amend an Act to re-incorporate the city of Stockton, approved April 21st, 1852.

And the report was adopted.

Mr. Hoff, from the joint select committee, to whom was referred a resolution directing an investigation into the passage, through the last Legislature, of An Act for the erection of a State Prison ; and a contract between F. Vassault and the State of California, based upon said law, submitted the following report. (See Senate Appendix, No. 52.)

Which was read, and three thousand copies, together with the testimony taken before the committee, ordered to be printed.

On motion, the Clerk was directed to withhold the copy of the foregoing report from the Printer for a few days.

A message was received from the Governor, informing the Assembly that he did, on the 30th March last, approve An Act to provide for the protection of Foreigners and to define their liabilities and privileges.

Assembly bill for An Act to repeal an Act entitled an Act for the relief of the Indigent Sick, approved April 16th, 1852, was taken up, and again laid on the table.

On motion of Mr. Conness, Senate bill for An Act to provide for the payment of the claim of the " Pioneer Upholstery," was taken from the table, read a third time ; and on the question, " Shall the bill now be passed ?" it was lost.

Mr. Fairfax, on leave, introduced a bill for An Act to separate the office of County Recorder from the office of County Clerk in the county of Yuba.

Which was read a first and second time, and referred to the members from Yuba county.

Mr. Yeiser, from the Judiciary Committee, submitted the following report :

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill entitled An Act prescribing the time of holding the District Court in the Fifth Judicial District, beg leave to report the same back with the following amendment :

Strike out all after the enacting clause, and insert the accompanying ; and recommend the passage of the bill as amended.

FRED. YEISER, Chairman.

Senate bill for An Act prescribing the time of holding the District Court in the Fifth Judicial District, was then taken up, amended, read a third time, and passed.

Mr. Johnson, on leave, introduced a bill for An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851.

Which was read a first and second time, and referred to the Delegation from Sacramento county.

Senate bill for An Act to enforce the collection of Taxes in certain cases, was then taken up, read a second time, and referred to the Committee on Ways and Means.

Senate bill for An Act to define the jurisdiction of counties separated by rivers and water courses, was then taken up, read a second time, and referred to the Committee on Judiciary.

Senate bill for An Act to provide a Sinking Fund for the county of Monterey, was then taken up, read a second time, and referred to the member from Monterey county.

Senate bill for An Act supplementary to an Act creating and regulating Public Ferries, passed March 18th, 1850, was then taken up, read a second time, and referred to the Committee on Corporations.

Assembly Joint Resolution instructing our Senators and Representatives in Congress in relation to an Act of Congress to settle private Land Claims in California, was then taken up, read a second time, and referred to the Committee on Federal Relations.

Senate bill for An Act to provide a Library for the Supreme Court, was then taken up, read a second time, and referred to the Committee on Judiciary.

Senate bill for An Act in relation to Personal Mortgages in certain cases, was then taken up, read a second time, and referred to the Committee on Judiciary.

Senate bill for An Act to authorize poor persons, in certain cases, to prosecute Suits without the payment of Costs, was then read a second time, and referred to the Judiciary Committee.

Senate bill for An Act concerning Sureties on Official Bonds, was then taken up, read a second time, and referred to the Committee on Judiciary.

Senate Joint Resolution in relation to Postal arrangements, was then

taken up, read a second time, and referred to the Committee on Federal Relations.

Assembly bill for An Act for the relief of Lawrence McMahon, was then taken up, read a second time, considered in committee of the whole, reported back without amendment, the committee discharged, the rules suspended, and the bill read a third time and passed.

Assembly bill for An Act prescribing the mode of appointing Auctioneers and defining their duties, was then taken up, read a second time, and referred to the Judiciary Committee.

On motion of Mr. Johnson, Assembly bill for An Act to Fund the floating debt of the County of Sacramento, and to provide for the payment of the same, was taken from the table, amended, and ordered engrossed for a third reading.

Assembly bill for An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto, was then taken up.

Mr. Canney then moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:

Messrs. Carhart, Irwin and Meredith.

Mr. Irwin appeared, was admitted, excused, and took his seat.

On motion, further proceedings under the call were dispensed with.

Mr. Canney again moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:

Messrs. Irwin and Thomas..

Mr. Irwin and Thomas appeared at the bar of the House, were admitted, excused, and took their seats.

On motion of Mr. Rogers, further proceedings under the call were dispensed with.

Mr. Wing moved, that the bill be read a third time now.

On which the ayes and nays were demanded, and the bill was ordered to a third reading by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Cabaniss,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin.

Messrs. Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Tilghman,
Walker,
Wilson,
Wing—33.

NAYS.

Messrs. Bostwick,
 Canney,
 Conness,
 Crenshaw,
 Flower,
 Gardner,
 Hally,
 Heydenfeldt,
 Johnson,
 Knight,
 Letcher,
 McFarland,
 McGarry,

Messrs. Moore,
 Oliver,
 Pacheco,
 Proctor,
 Reading,
 Robinson,
 Sime,
 Snyder,
 Smith,
 Taylor,
 Thomas,
 Yeiser,
 Speaker—26.

The bill was then read a third time.

Mr. Heydenfeldt moved to recommit the bill to the Committee on Ways and Means, with instructions to report the following as a substitute :

An Act to provide for examining certain property of the State of California, with the view to raise revenue from the sale thereof.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be elected, by a joint convention of the two Houses of the present Legislature, within fifteen days after the passage of this Act, a Board of Commissioners, to be composed of three competent Hydrographical Engineers, whose duty it shall be to carefully and thoroughly examine and sound the present Water Front of the city of San Francisco as now defined by law ; and also to examine the entire Bay and Harbor of San Francisco, the prevailing influences of the winds and tides, and likewise the effect upon the safety of the Harbor and conveniences of shipping an extension of the present City Front would have.

SEC. 2. In the event such Board shall conclude that an extension of said Front can be made without injury to the Harbor, and with benefit to the State, then it shall be their duty to carefully prepare and compile a complete Map or Chart of the same ; with full information, by report, how far into the Bay the said extension can with safety be made : the said report and Map or Chart to be made in time to present the same to the next session of the Legislature.

SEC. 3. Said Commissioners, after having satisfactorily performed the duties herein enjoined, shall receive for compensation the sum of fifteen hundred dollars each.

The question then being on recommitting, with special instructions, the ayes and nays were demanded, and the House refused to re-commit by the following vote :

AYES.

Messrs. Bostwick,
Cabaniss,
Canney,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Knight,
Letcher,
McFarland,

Messrs. McGarry,
Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—26.

NAYS.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Smith,
Tilghman,
Walker,
Wilson,
Wing—33.

Mr. Canney moved a call of the House, which was sustained, and on the roll being called, Mr. Conness was found absent.

Mr. Conness appeared at the bar of the House, was admitted, excused, and took his seat.

On motion, further proceedings under the call were dispensed with.

Mr. McCandless moved the previous question, and on the question, "Shall the main question now be put?"

The ayes and nays were demanded, and the House refused to sustain the motion by the following vote :

AYES.

Messrs. Bell,
Blake,

Messrs. Kittredge,
Mandeville,

Messrs. Brush,
Carhart,
Covarrubias,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,

Messrs. Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Tilghman,
Walker,
Wilson,
Wing—23.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Canney,
Conness,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Knight,
Leake,
Letcher,
McFarland,

Messrs. McGarry,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Yeiser,
Speaker—36.

The question then being "Shall the bill now be passed?"

On which the ayes and nays were demanded, and the bill was passed by the following vote :

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,

Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Smith,
Tilghman,

Messrs. Huse,
Irwin,
Kittredge.

Messrs. Wilson,
Wing—31.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Canney,
Conness,
Crosby,
Flower,
Gardner,
Haley,
Hendensfeldt,
Johnson,
Knight,
Letcher,
McFarland.

Messrs. McGarry,
Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—27.

On the question, "Shall the title of this bill stand?"

Mr. Johnson moved to amend the same by striking out the words, "and quiet the title thereto."

On which the ayes and nays were demanded, and the House refused to adopt the amendment by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Canney,
Conness,
Flower,
Gardner,
Haley,
Johnson,
Letcher,
McFarland,
McGarry,
Moore,

Messrs. Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Yeiser,
Speaker—23.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,

Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,

Messrs. Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,

Messrs. McMeans,
Myres,
Owen,
Redding,
Rogers,
Tilghman,
Wilson,
Wing—29.

There being no further objections made to the title, it was agreed to.

Mr. Blake then moved to reconsider the vote by which the bill was passed.

Mr. McCandless moved to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Tilghman,
Wilson,
Wing—29.

NAYS.

Messrs. Cabaniss,
Canney,
Conness,
Flower,
Gardner,
Hally,
Johnson,
Letcher,
McGarry,
Moore,

Messrs. Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—20.

A message was received from the Senate, informing the Assembly that they this day concurred in Assembly amendment to Senate bill for An Act

prescribing the time of holding the District Court in the Fifth Judicial District.

A message was received from the Governor, informing the Assembly that he did, on the 1st instant, approve

An Act to provide for the redemption of Comptroller's warrants, payable out of the General Fund.

Also, An Act to enforce the payment of licenses in this State; and

An Act amendatory of the 4th section of an Act concerning Divorces, passed March 25, 1851.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, April 2, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Cabaniss, Estep, Ewing, Flower, Gardner, Garfield, Herbert, Johnson, Knight, Martin, McFarland, Proctor, Robinson, Smith, Thomas, Walker, Wells and Wilson.

On motion, leave of absence was granted for one day to Messrs. Estep, Ewing, Flower, Gardner, Herbert, Johnson, Knight, McFarland, Proctor, Robinson and Wells.

Mr. Crenshaw presented the following communication, which was read, and ordered to be spread upon the Journal:

ASSEMBLY CHAMBER,
BENICIA, April 1, 1853.

Sir:—

We hereby tender you our respective resignations as members of Assembly from the county of San Francisco.

Respectfully,

E. HEYDENFELDT,
JOHN SIME,
JAMES M. TAYLOR,
FRED. A. SNYDER,
SAM'L FLOWER.

To the Hon. Speaker of Assembly.

Mr. Leake presented the petition of James Austin praying for relief.

Which was read, and referred to the Committee on Claims.

Mr. Yeiser, from the Committee on Judiciary, reported back Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use, and occupy certain Lands in the city of Benicia, without amendment, and recommended its passage.

The report was adopted, the bill laid on the table, and two hundred and forty copies ordered to be printed.

Mr. Canney, from the Committee on Indian Affairs, reported back the claim of Elijah Steele, and recommended that it be referred to the Committee on Claims. The report was adopted and the claim referred as recommended.

Mr. Canney from the Joint Committee on Apportionment of Senatorial and Assembly Districts, submitted the following report. (See Senate Appendix, No. 54).

Which was read, laid on the table, and two hundred and forty copies ordered printed.

Mr. Canney, from the same Committee, introduced a bill for An Act to apportion the Senatorial and Assembly Districts of this State, which was read a first and second time, and made the special order for Thursday next, April 7, 1853, at 12 o'clock, M.

Mr. Leake submitted the following report, which was read and concurred in:—

Mr. Speaker :

The Committee of Conference of the Senate and Assembly upon a bill appropriating money for labor performed by certain persons,

Report that the Senate shall agree to the two first amendments of the Assembly, and that the Assembly will recede from its last amendment, and agree to insert ten hundred and sixty-two dollars and seventy-five cents.

Respectfully,

CHAS. A. LEAKE,
Of Assembly.

J. W. COFFROTH,
Of Senate.

On motion of Mr. Conness, leave of absence was granted to the Speaker for ten days.

Mr. Conness then submitted the following resolution, which was read and unanimously adopted.

Resolved, That the Hon. P. Canney be and is hereby declared Speaker pro tem., during the absence of the Speaker of this House.

On motion of Mr. Letcher, Mr. Hunt was authorized to withdraw the claim of S. Whiting and others.

Mr. Fairfax, from the Yuba county delegation, reported back Assembly

bill for An Act to separate the office of County Recorder from the office of County Clerk in the County of Yuba, and recommended its passage.

The report was adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Owen gave notice that he would on an early day submit an amendment to the forty-fourth rule of this House.

Mr. Brush submitted the following resolution, which was read and adopted :

Resolved, That the Sergeant-at-Arms be authorized to draw for the per diem of Mr. Huse, from the third of January last.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act for the formation of Corporations for certain purposes, without amendment, and recommended its passage.

The report was adopted, and the bill laid upon the table, and made the special order for Wednesday, April 6th, 1853, at 12 o'clock, M.

On motion of Mr. Redding of Yuba, Assembly bill for an Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, was taken from the table, and referred to a select committee of five.

The Chair appointed Messrs. Redding of Yuba, Moore, Hoff, Myres and Conness.

The following message was received from the Senate :

Mr. Speaker :

The Senate passed on the 31st March, Assembly bill for An Act for the relief of Thomas A. Hilton, M. D. ;

And Senate bill for An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the county of San Diego.

And passed this day Senate bill for An Act for the relief of A. G. Hart, M. D.

By order of the Senate,

A. C. BRADFORD,

Secretary.

April 1, 1853.

Senate bill for An Act for the relief of A. G. Hart, M. D., was then read a first and second time, and referred to the Committee on Claims.

Senate bill for An Act authorizing the State of California to issue bonds for the payment of the Fitzgerald Volunteers serving under Major Fitzgerald, in the county of San Diego, was then read a first time, and laid over under the rules.

On motion of Mr. Oliver, Messrs. Thomas, Blake and Myres were added to the Judiciary Committee.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act prescribing the time of holding the District Court in the Fifth Judicial District.

Also, An Act for the relief of Thomas A. Hilton, M. D.

And the report was adopted.

On motion, at 3 o'clock, P. M., the House adjourned until Monday next at half past seven o'clock, P. M.

HOUSE OF ASSEMBLY.

MONDAY, April 4, 1853.

House met pursuant to adjournment.

The Hon. P. Canney, Speaker, *pro tem.*, in the chair.

The roll was called by the Clerk.

No quorum present.

On motion of Mr. McCandless, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, April 5, 1853.

The House met pursuant to adjournment.

The Speaker, *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Blake, Caldwell, Carhart, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Garfield, Hally, Hoff, Johnson, Knight, Meredith, McCandless, McMahon, McMeans, Myres, Pacheco, Robinson, Smith, Thomas, Tilghman, Walker, Wilson and Yeiser.

On motion, leave of absence for one day each was granted to Messrs. Knight, Tilghman, Hoff, Meredith, Blake, Thomas, McMahon, Crenshaw, Cardozo and Hally; to Mr. Smith five days' leave was granted; to Mr. Pacheco three days; to Messrs. Johnson and Robinson two days each.

The Journals of Saturday and Monday last were read and approved.

Mr. McCandless moved that Mr. Carpentier be admitted upon the floor of this House, and that he be sworn and allowed to take his seat as a member of this House from Contra Costa county.

Mr. Irwin moved, as an amendment, that Mr. Carpentier be admitted upon the floor of this House, and allowed to make a statement in relation to the late special election for a member of Assembly in Contra Costa county.

Mr. Leake moved to lay the motion on the table.

On which the ayes and nays were demanded, and the House refused to lay on the table by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Ewing,
Gardner,
Harrison,
Herbert,

Messrs. Huse,
Leake,
McGarry,
McKamy,
Oliver,
Proctor,
Wells—15.

NAYS.

Messrs. Canney,
Fairfax,
Hunt,
Irwin,
Kittredge,
Letcher,
Mandeville,
Martin,
McCandless,

Messrs. McFarland,
McMeans,
Moore,
Owen,
Reading,
Redding,
Rogers,
Wing—17.

The question then recurring on the motion of Mr. Irwin, the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Brush,
Canney,
Conness,
Ewing,
Fairfax,
Hunt,
Irwin,
Kittredge,
Letcher,

Messrs. Mandeville,
Martin,
McCandless,
McFarland,
McKamy,
McMeans,
Redding,
Rogers,
Wing—18.

NAYS.

Messrs. Bostwick,
Cabaniss,
Covarrubias,
Gardner,
Harrison,
Herbert,
Huse,
Leake,

Messrs. McGarry,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Wells—15.

Mr. McMeans presented the memorial of certain citizens of El Dorado county, praying that the jurisdiction of Justices' Courts in and for El Dorado county, may be fixed, and continue as now established by law.

Which was read, and referred to the Judiciary Committee.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act to authorize the construction of a Wagon Road from the Free Bridge House, on Clear Creek, in Shasta county, to Weaverville, in Trinity county, with amendments, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. Irwin, for Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of Lawrence McMahon ;

An Act to Fund the Floating Debt of the county of Sacramento, and to provide for the payment of the same.

And the report was adopted.

Mr. Moore submitted a resolution, requiring a statement of the unfinished business of the House to be printed.

Which was read and adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the payment of certain persons therein named, and for services rendered and materials furnished.

And the report was adopted.

A message was received from the Governor, informing the Assembly that he did, on the 2d instant, approve An Act for the relief of Thomas A. Hilton, M. D.

The following message was received from the Senate.

Mr. Speaker :

The Senate refused, on 1st instant, to pass Assembly bill for An Act for the relief of Jacob D. Hoppe.

And passed Assembly bill for An Act amendatory of An Act to create the County of Alameda, and to establish the Seat of Justice therein, to define its boundaries and to provide for its organization, passed March 25, 1853.

And concurred in the report of the committee of conference on the disagreeing vote of the two Houses upon Senate bill for An Act to pay certain persons therein named for services rendered and materials furnished.

And passed, on the 2d instant, with amendments, Assembly bills for An Act for relief of E. G. Baker, Tinsmith of San Francisco, and An Act for the relief of James M. Cranston.

And also, on the 2d instant, Senate bill for An Act to define the rights of persons to Public Lands in mining localities.

By order of the Senate :

A. C. BRADFORD,

Secretary.

5th April, 1853.

Senate bill for An Act to define the rights of persons to Public Lands in mining localities, was then read a first and second time, and referred to the Committee on Mines and Mining Interests, and two hundred and forty copies ordered to be printed.

Assembly bill as amended by the Senate, for An Act to pay freight to James M. Cranston on State furniture in 1853, was then taken up, and the Senate amendment concurred in.

Assembly bill as amended by the Senate, for An Act to provide for the payment of E. G. Baker for Iron and Tinware furnished the Legislature, was then taken up, and the Senate amendment concurred in.

Mr. Redding of Tulsa, on leave, introduced a bill for An Act to provide for the better publication of Official Notices, which was read a first and second time, and referred to the Judiciary Committee.

Mr. McMeans moved a call of the House.

Which was sustained.

And on the roll being called, the following members were absent :

Messrs. Bell, Caldwell, Leake, McFarland, Moore, Rogers, Walker, Wilson and Yeiser.

On motion, further proceedings under the call were dispensed with.

Mr. Bestwick gave notice that he would, on to-morrow, move to amend the forty-fourth rule of this House, so as to require the Door-Keeper to close the door before the calling of the roll, when a call of the House is ordered.

On motion, at one o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 6, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the chair.

The roll was called by the Clerk, and the following members were found absent:

Messrs. Caldwell, Carhart, Covarrubias, Estep, Fairfax, Garfield, Hoff, Irwin, Knight, McFarland, McMahon, McMeans, Myres, Thomas, Tilghman, Walker, Wilson, and Yeiser.

On motion, leave of absence for one day was granted to Messrs. McMeans, Hoff, Fairfax, Thomas and Johnson; for three days, to Mr. Estep; and for an indefinite time to Mr. Caldwell.

The Journal of Tuesday last was read and approved.

Mr. Harrison presented the petition of Jefferson Lake of the city of Sacramento, praying for a law granting him the privilege of constructing a boom across the American River.

Which was read and referred to the Committee on Commerce.

Mr. Rogers submitted the following report, which was read and adopted.

Mr. Speaker:

The Committee on Indian Affairs, to whom was referred the claim of Samuel Whiting for the sum of thirteen hundred and forty-five dollars with interest, have had the same under consideration, and report the same back to the House, recommending that he be allowed the amount asked for, without interest, to be paid out of the War Loan Fund.

Respectfully submitted,

WM. M. ROGERS,
R. G. READING,
JESSE BRUSH,
P. CANNEY.

Senate bill for An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald in the county of San Diego, was then read a second time, and referred to the Committee on Military Affairs.

Mr. Brush submitted the following resolution, which was read and adopted:

Resolved, That the Sergeant-at-Arms be required to purchase a suitable

case for the purpose of keeping papers, documents, &c., safely, and that the same be paid out of the Contingent Fund of the Assembly.

Mr. Owen, agreeably to notice, moved to amend the forty-fourth rule of this House, by inserting in the first line after the word House, the words, "the doors shall be closed, and no member permitted to go out during the call, without leave, and"—and strike out in the third line, the words, "the doors shall then be shut."

And the amendment was agreed to.

Assembly bill, with substitute, for An Act concerning Lawful Fences and animals trespassing on premises lawfully enclosed," was then taken up, the substitute adopted, and two hundred and forty copies ordered to be printed.

Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1853, was then taken up, and made the special order for Monday next, April 11, 1852, at 12 o'clock, M.

On motion of Mr. Cabaniss, Assembly bill for An Act to authorize the construction of a Wagon Road from the Free Bridge House on Clear Creek, in Shasta County, to Weaverville, in Trinity County, was taken from the table, amended, considered engrossed, read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the House refused to pass the bill by the following vote :

AYES.

Messrs. Bell,
Canney,
Ewing,
Harrison,
Herbert,
Hunt,
Letcher,
Mandeville,

Messrs. Martin,
McCandless,
McFarland,
Proctor,
Reading,
Rogers,
Wing—15.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Cardozo,
Crenshaw,
Hally,
Huse,
Kittredge,
Leake,

Messrs. Meredith,
McGarry,
McKamy,
Moore,
Oliver,
Owen,
Redding,
Robinson,
Wells—19.

On motion of Mr. Letcher, Assembly bill for An Act concerning Roads and Highways, was then taken from the table, amended, considered engrossed, read a third time and passed.

On motion of Mr. McCandless, Assembly bill for An Act to provide for the formation of Corporations for certain purposes, made the special order for this day at 12 o'clock, M., was taken up.

The House then went into committee of the whole, (Mr. Redding of Yuba in the chair,) on the consideration of the bill; and having considered the same, rose, reported it back with amendments, recommended its passage, and asked to be discharged from a further consideration of the subject.

Which was granted.

And the bill was laid on the table.

Mr. McCandless, on leave, introduced a bill for An Act to Fund the Debt of the county of Sutter, and provide for the payment of the interest thereof.

Which was read a first and second time, and referred to a select committee, consisting of Messrs. Redding of Yuba, Myres, Moore and McCandless.

Mr. Ewing, on leave, introduced a bill for An Act to amend an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein, passed April 25th, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act to provide for the Incorporation of Railroad Companies, with amendments, and recommended its passage.

The House then went into committee of the whole, (Mr. Mandeville in the chair,) on the consideration of the bill; and having made some progress thereon, rose, and reported the same, and asked leave to sit again.

Which was granted.

Mr. Knight moved a call of the House, which was sustained; and,

On the roll being called, the following members were found absent:—Messrs. Bell, Blake, Comess, Cardozo, Ewing, Gardner, Hunt, Kittredge, Meredith, McCandless, McMahon, Moore, Myres, Tilghman, Walker and Wilson.

On motion, the Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Blake, Cardozo, Bell, Gardner and McCandless appeared at the bar of the House, were admitted, excused, and took their seats.

On motion, further proceedings under the call were dispensed with.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act for the payment of certain persons therein named, for services rendered and materials furnished.

And the report was adopted.

Mr. Bostwick, from the same committee, reported as correctly enrolled, An Act amendatory of an Act entitled an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization, passed March 25th, 1853; also,

An Act to pay freight to James M. Cranston, on State furniture, in 1853; also,

An Act to provide for the payment of E. G. Baker, for iron and tin ware furnished the Legislature.

And the report was adopted.

Mr. Bell submitted a resolution, appointing a committee of three to visit and examine the location of the State Prison, and also the condition and discipline of the Prisoners.

Mr. Wells submitted, as a substitute, a resolution requiring the Committee on State Prisons to perform that duty.

Pending the consideration of the substitute,

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 7, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Conness, Fairfax, Garfield, McCandless, Moore, Wilson and Yeiser.

On motion, leave of absence for one day was granted to Mr. Johnson, and indefinite leave to Messrs. Wilson and Yeiser.

The Journal of Wednesday last was read and approved.

Mr. Crenshaw submitted the following report, which was read and adopted:

The Committee on Claims, to whom was referred the petition of Horace Hawes, asking an appropriation to pay him his salary, for the office of Prefect for the County of San Francisco, in the years 1849-50, have had the same under consideration, and are of the opinion that the prayer of said petitioner should not be allowed.

CRENSHAW,
Chairman.

Mr. Crenshaw also submitted the following report, which was read and adopted:

The Committee on Claims, to whom was referred the petition of Drs.

Whitmore and Gibbs, asking compensation for certain services rendered the citizens of Calaveras County who were diseased with the small pox, have had the same under consideration, and are of the opinion that the conduct of those gentlemen in rendering aid to the afflicted under such circumstances, is praiseworthy in a high degree, and that they are entitled to the thanks of the citizens of said county for their services above referred to. But the committee are of the opinion that the State should not establish the precedent asked for in said petition. They therefore return the petition, with the opinion that the prayer of said petitioners should not be granted.

CRENSHAW,
Chairman.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act for the relief of A. G. Hart, M. D., and recommended its passage.

The report was adopted.

And the House went into committee of the whole (Mr. McMeans in the chair) on the consideration of the bill, and having considered the same, rose and reported it back, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly Joint Resolution in relation to the Harbor of Santa Barbara, and recommended its passage.

The report was adopted, and the resolution read a third time and passed.

Mr. Cardozo submitted the following report, which was read and adopted:

Mr. Speaker:

The Committee on Public Lands, to whom was referred the petition of citizens of Union and Trinity Counties, praying for a law to protect the titles to lots in said towns, have had the same under consideration, beg leave to return the same to the House, and recommend its reference to the Judiciary Committee.

Respectfully submitted,
CARDOZO,
Chairman.

On motion of Mr. Wing, the Clerk was directed to transmit a copy of the report of the Committee on Indian Affairs, on the petition of Samuel Whiting, together with the original papers upon which the report was based, to the Board of Examiners of the War Debt.

Mr. Brush moved that the Judiciary Committee be instructed to report upon the bill for An Act to limit the application of an Act to regulate proceedings in civil cases in Courts of Justice of this State, passed April 29, 1851.

Which was agreed to.

Mr. McMeans, on leave introduced a bill for An Act amendatory of An

Act entitled an Act to provide for the lien of mechanics and others, passed April 12, 1856.

Which was read a first and second time, and referred to the Judiciary Committee.

The following message was received from the Senate :

Mr. Speaker:

The Senate passed on the 5th inst., Assembly bill for An Act to separate the office of County Recorder from the office of County Clerk, in the county of Yuba.

And An Act to provide for the payment of Beverly C. Saunders' expenses incurred by order of the Governor in Dec., 1851, for the suppression of Indian hostilities in the county of San Diego, as a substitute to Assembly bill for An Act for the relief of Beverly C. Saunders ;

And Senate bill for An Act revising and amending an Act concerning the Courts of Justice of this State and Judicial Officers.

By order of the Senate,

A. C. BRADFORD,

Secretary.

6th April, 1853.

Senate bill for An Act to provide for the payment to Beverly C. Saunders' Expenses incurred by order of the Governor in Dec., 1851, for the suppression of Indian hostilities in the county of San Diego, was then read a first time, and laid over under the rules.

Senate bill for An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial officers, was then read a first and second time, and referred to the Judiciary Committee, and two hundred and forty copies ordered to be printed.

Mr. Leake, on leave, introduced a bill for An Act to provide for the reporting and publishing the decisions of the Supreme Court.

Which was read a first and second time, and referred to the Judiciary Committee

Mr. McFarland submitted the following communication, which was read, and referred to the Committee on State Hospitals.!

MARTINEZ, April 4, 1853.

To the Honorable, the Senate and Assembly of the State of California :

Gentlemen:—In the event of this place being deemed a desirable location for the proposed State Lunatic Asylum, and shall be selected for that purpose by Legislative enactment, the undersigned, on behalf of themselves and the citizens of Martinez, will donate fifty acres of land for the same.

Very respectfully,

Your ob't servants,

E. S. LATHROP,

J. FORD,

N. B. SMITH.

Mr. Wells submitted a resolution requiring the Committee on State Prisons to visit and report upon the site of the State Prison, and discipline of the convicts on or before the 14th inst.

Which was read and adopted.

On motion of Mr. Moore, Mr. Bell was added to the Committee on State Prisons.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act concerning Roads and Highways.

And the report was adopted.

On motion of Mr. Leake, the Governor's message in answer to a resolution of the Assembly requesting information in relation to water lots in the city of San Francisco, sold in 1850, was taken from the table, and twenty-five hundred copies, together with the accompanying documents, ordered to be printed.

On motion of Mr. Wells, Senate bill for An Act to provide for the incorporation of Railroad Companies, was taken from the table.

The House then went into Committee of the whole, Mr. Hally in the chair, on the consideration of the bill, and having made some progress thereon, rose and reported the same, and asked leave to sit again.

Which was granted, and the bill laid on the table.

Assembly bill for An Act to apportion the Senatorial and Assembly Districts in this State, made the special order for this day at 12 o'clock, M., was then taken up.

The House went into committee of the whole, Mr. McFarland in the chair, on the consideration of the bill, and having made some progress thereon, rose, reported the same and asked leave to sit again.

Which was granted, and the bill made the special order for Wednesday next, at 12 o'clock, M., to the exclusion of all other business.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act to provide for the payment of E. G. Baker, for iron and tinware furnished the Legislature;

Also, An Act to pay James M. Cranston, for freight on State furniture in 1853;

Also, An Act amendatory of an Act entitled an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries, and to provide for its organization, passed March 25, 1853.

And the report was adopted.

Mr. Moore moved to reconsider the vote by which the Assembly refused, on yesterday, to pass Assembly bill for An Act to authorize the construction of a Wagon Road from the Free Bridge House, on Clear Creek, in Shasta county, to Weaverville, in Trinity county.

On which motion the ayes and nays were demanded, and the House refused to reconsider by the following vote:

AYES.

Messrs. Canney,
Carhart,
Gardner,

Messrs. Martin,
McFarland,
McMahon,

Messrs. Hally,
Herbert,
Hunt,
Knight,

Messrs. Moore,
Proctor,
Reading,
Wing—14.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Covarrubias,
Crenshaw,
Garfield,
Hoff,
Huse,
Irwin,
Kittredge,
Leake,

Messrs. Letcher,
Meredith,
McKamy,
Myres,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Thomas,
Wells—23.

Mr. Redding, of Yuba, on leave, introduced a bill for An Act to provide for the incorporation of Wagon Road Companies.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to provide for the better publication of Official and Legal Notices, and recommended its passage.

The report was adopted, and the bill amended and read a third time.

Mr. Brush moved to recommit the bill, with special instructions to strike out "Columbia Gazette," and insert "Sonora Herald."

Which was agreed to.

Mr. Leake moved to reconsider the vote to recommit.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Ewing,
Gardner,
Garfield,
Harrison,
Irwin,
Knight,
Leake,
Martin,
Meredith,
McCandless,
Moore,

Messrs. Myres,
Oliver,
Owen,
Proctor,
Reading,
Robinson,
Thomas,
Tilghman,
Walker,
Yeiser—21.

NAYS.

Messrs. Bell,
 Blake,
 Brush,
 Cabaniss,
 Canney,
 Conness,
 Cardozo,
 Herbert,

Messrs. Hoff,
 Kittredge,
 Mandeville,
 McGarry,
 McKamy,
 Redding,
 Wells,
 Wing—16.

The question then recurring on the motion to recommit, with special instructions—

The ayes and nays were demanded, and the House refused to recommit by the following vote :

AYES.

Messrs. Blake,
 Brush,
 Canney,
 Conness,
 Cardozo,
 Crenshaw,
 Hoff,
 Irwin,
 Kittredge,

Messrs. Knight,
 Mandeville,
 McGarry,
 McKamy,
 Owen,
 Redding,
 Wells,
 Wing—17.

NAYS.

Messrs. Bell,
 Ewing,
 Gardner,
 Garfield,
 Harrison,
 Herbert,
 Hunt,
 Leake,
 Letcher,
 Martin,
 Meredith,
 McCandless,
 McFarland,

Messrs. McMahon,
 Moore,
 Myres,
 Oliver,
 Proctor,
 Reading,
 Robinson,
 Rogers,
 Thomas,
 Tilghman,
 Walker,
 Yeiser—25.

Mr. Thomas moved the previous question, and on the question, " Shall the main question be now put ?"

The ayes and nays were demanded, and decided in the affirmative by the following vote :

AYES.

Messrs. Covarrubias,
Ewing,
Gardner,
Garfield,
Irwin,
Leake,
Mandeville,
Martin,
Meredith,
McCandless,
McGarry,
McKamy,

Messrs. McMahon,
Moore,
Oliver,
Proctor,
Reading,
Rogers,
Thomas,
Tilghman,
Walker,
Wells,
Yeiser—23.

NAYS.

Messrs. Belt,
Blake,
Brush,
Canney,
Conness,
Cardozo,
Harrison,
Herbert,
Hoff,
Hunt,

Messrs. Kittredge,
Knight,
Letcher,
McFarland,
Myres,
Owen,
Redding,
Robinson,
Wing—19.

The main question was now, "Shall the bill now be passed?"
On which the ayes and nays were demanded, and the bill was passed
by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Gardner,
Herbert,
Hunt,
Irwin,
Leake,
Letcher,
Mandeville,
Martin,
Meredith,

Messrs. McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Thomas,
Tilghman,
Walker,
Wells,
Wing,
Yeiser—23.

NAYS.

Messrs. Cabaniss,
Harrison,
Hoff,
Kittredge,

Messrs. Knight,
Proctor,
Reading,
Robinson—8.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Benicia, April 6, 1853. }

To the Assembly of California :

I have this day approved the following Acts, viz :

An Act amendatory of an Act entitled an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization, passed March 25, 1853 ;

An Act to pay freight to James M. Cranston, on State furniture, in 1853 ;

And An Act to provide for the payment of E. G. Baker, for iron and tinware furnished the Legislature.

JOHN BIGLER.

A message was received from the Senate, informing the Assembly that they had this day passed Assembly Concurrent Resolution to change the date of the Act to pay freight to James M. Cranston.

The resolution was then taken up, read and concurred in.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 8, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Fairfax and Martin.

On motion of Mr. Moore, leave of absence for two days was granted to Mr. Fairfax.

The Journal of Thursday last was read and approved.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to provide for the incorporation of wagon-road companies, with an amendment, and recommended its passage.

The amendment reported by the committee was then amended and adopted, and the bill read a third time and passed.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act supplementary to an Act creating and regulating public Ferries, passed March 18, 1853, and recommending its passage.

The report was adopted, and the bill was then read a third time and passed.

Mr. Rogers, from the Committee on Indian Affairs, reported back Assembly bill for An Act for the government and protection of Indians, without amendment, and recommended it to the consideration of the House.

The House then went into committee of the whole, Mr. Leake in the chair, on the consideration of the bill, and having made some progress thereon, rose and reported the same, and asked leave to sit again, which was granted, and the bill made the special order for Tuesday next, April 12, 1853, at 12 o'clock, M.

Mr. Cardozo, from the Committee on Commerce, reported back Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851, without recommendation.

The report was adopted, and the bill laid on the table.

Mr. Cardozo, from the same committee, reported back Assembly bill for An Act to provide for the measurement of lumber, with a substitute, which was adopted, laid on the table, and made the special order for Thursday next, April 14th, at 12 o'clock, M.

Mr. Moore, from the Judiciary Committee, reported back Assembly bill for An Act to amend the fourth section of an Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April 15, 1852, without amendment, and recommended its passage.

The report was adopted, and the bill considered engrossed; it was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Ewing,
Hally,

Messrs. Leake,
Mandeville,
McCandless,
McFarland,
McGarry,
McKamy,
McMeans,
Moore,
Myres,

Messrs. Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Kittredge,
Knight,

Messrs. Oliver,
Owen,
Proctor,
Reading,
Robinson,
Thomas,
Tilghman,
Walker—35.

NAYS.

Messrs. Brush,
Conness,
Letcher,
Meredith,

Messrs. Redding,
Rogers,
Wells—7.

Mr. Robinson gave notice that he would, on to-morrow, move to reconsider the vote by which the bill was passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to separate the office of County Recorder from the office of County Clerk in the county of Yuba.

And the report was adopted.

Mr. Crenshaw submitted the following report, which was read and adopted:

Mr. Speaker :

The Committee on Claims, to whom was referred Senate bill for the relief of William Aikenhead, County Treasurer of Santa Clara county, have considered the same, and beg leave to report: That they find from the testimony, that on the night of the 9th of January last, the said County Treasurer was robbed of the sum of \$7,601 99, belonging to the State, and the further sum of \$2,215 belonging to said county; that at the first meeting of the Board of Supervisors of said county, after the robbery was committed, the said Board released the said Treasurer from all legal responsibility, so far as the county was concerned, and acquitted him of all blame in the premises.

The committee find but one point of exception in the case, and that is, that the Treasurer had in his hands at the time of the robbery, funds that should have been paid over by requirement of law some days prior to that time; but the committee have had satisfactory testimony to show, that in consequence of the inability of the Sheriff, by reason of his illness to make a settlement with the Treasurer, and the impassable condition of the roads, that the said Treasurer cannot, in their opinion, be justly held amenable to the law for apparent negligence only.

Your committee had had before them abundant testimony to show that the said Aikenhead is a faithful and efficient officer, and that no blame or legal responsibility should, in their opinion, attach to him in the premises.

We therefore recommend the passage of the said Senate bill.
All of which is respectfully submitted.

(Signed)

CRENSHAW, Chairman.

Senate bill for An Act for the relief of Wm. Aikenhead, County Treasurer of the county of Santa Clara, was then read a third time and passed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to provide for the better publication of Official and Legal Notices.

Also, a Joint Resolution in relation to the harbor of Santa Barbara; and the report was adopted.

Mr. Robinson, from the delegation from Sacramento county, reported back Assembly bill for An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851, with an amendment, and recommended its passage. The report was adopted, the bill amended, and ordered engrossed for a third reading.

Mr. Leake submitted the following report, which was read and adopted:

Mr. Speaker :

The undersigned, a portion of the delegation of El Dorado and Calaveras county, to whom was referred the petition of many of the citizens of Calaveras county relative to the division of said county, beg leave to report, that the subject be referred to the people of said county at the next general election.

And the Committee on Counties and County Boundaries be instructed to report a bill to that effect.

CHARLES A. LEAKE,
AUSTIN WING,
S. A. McMEANS.

Mr. Robinson, on leave, introduced a bill for An Act to provide for the erection of a Jail in Sacramento county.

Which was read a first and second time, and referred to the members from Sacramento county.

The following message was received from the Senate :

Mr. Speaker :

The Senate passed, on the 6th instant, An Act in relation to the interest on the Funded Debt of 1852.

And on the 7th instant, An Act to authorize the Secretary of State to procure the Translation and Lithographing into the Chinese Language of the Act to provide for the Protection of Foreigners and to define their liabilities and privileges.

And with an amendment, Assembly bill for An Act to authorize the

Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital.

Also, Senate bill for An Act for the relief of Charles E. Pickett.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 8, 1853.

Senate bill for An Act to authorize the Secretary of State to procure a translation and lithographing, into the Chinese language, of the Act to provide for the protection of Foreigners and to define their liabilities and privileges, was then taken up, and read a first and second time; the House then went into committee of the whole (Mr. Herbert in the chair) on the consideration of the bill; and having considered the same, rose, and reported it back without amendment, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The rules were then suspended, and the bill was read a third time and passed.

Senate bill for An Act for the relief of Charles E. Pickett, was then read a first and second time, and referred to the Committee on Claims.

Assembly bill, as amended by the Senate, for An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital, was then taken up, and the Senate amendment was concurred in.

Senate bill for An Act in relation to the interest on the Funded Debt of 1852, was then read a first and second time.

The House then went into committee of the whole (Mr. Wing in the chair) on the consideration of the bill; and having considered the same, rose, and reported it back, and asked to be discharged from further consideration of the subject, which was granted, and the bill laid on the table.

On motion of Mr. Hoff, Senate bill for An Act to provide for the formation of Corporations for certain purposes, was taken from the table, read a third time and passed.

On motion of Mr. Garfield, Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold and occupy certain lands in the city of Benicia, was taken from the table, considered, and again laid on the table.

Mr. Bostwick submitted the following report, which was read and adopted:

BENICIA, April 8, 1853.

Mr. President :

In accordance with the provisions of a joint resolution passed April 7th, 1853, the Joint Committee on Enrollment have called upon the Governor, to whom he has returned An Act to pay freight to James M. Cranston, on State furniture, in 1853.

And in furtherance of the object of the resolution, the committee have changed "1853" to "1852."

Respectfully submitted.

JOHN H. BOSTWICK,
Assembly Committee.

JOHN WALTON,
Of Senate Committee.

Mr. Hally submitted a resolution appointing Mr. Boon as Sergeant-at-Arms *pro tem*.

Which was read and adopted.

Mr. Crenshaw submitted the following report, which was read, and, with the accompanying bill, laid on the table. (Relative to claim of William Waldo—see Appendix, No. 45.)

Mr. Oliver submitted a resolution directing the Comptroller to draw his warrant on the Treasurer in favor of Lyman Leslie, for sixty-five dollars, for extra services rendered to members of the Assembly in opening and distributing the Vallejo mails at Benicia during a period of twenty-five days, payable out of the contingent Fund of the Assembly.

Which was read and adopted.

Mr. Myres submitted the following resolution:

Resolved, That Horace W. Carpentier is *prima facie* entitled to a seat in this House, as member of Assembly for Contra Costa county.

Mr. Johnson moved to adjourn until Monday next, at half-past 7 o'clock, P. M.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs. Canney,
Ewing,
Harrison,
Huse,
Johnson,

Messrs. Knight,
McGarry,
McKamy,
Myres,
Redding—10.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Couness,
Covarrubias,
Crenshaw,

Messrs. Kittredge,
Letcher,
Meredith,
McCandless,
McFarland,
McMahon,
McMeans,

Messrs. Gardner,
Hally,
Herbert,
Hoff,
Hunt,
Irwin,

Messrs. Owen,
Robinson,
Rogers,
Thomas,
Wells,
Wing—26.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the relief of A. G. Hartt, M. D.

And the report was adopted.

On motion, at 5 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, April 9, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the Chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Cabaniss, Cardozo, Covarrubias, Ewing, Gardner, Garfield, Huse, Johnson, Martin, McCandless, Moore, Myres, Proctor, Redding of Yuba, Rogers, Walker, and Yeiser.

On motion, leave of absence was granted to all the members composing the Committee on State Prisons, until Wednesday next, to Mr. Walker, for the same time, and to Mr. Mandeville for one week, to Mr. Ewing two days, and to all other absentees, one day.

The Journal of Friday last was read and approved.

Mr. Crenshaw, from the Committee on Claims, reported back Assembly bill for An Act supplementary to an Act providing a fund for a State Library, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. Crenshaw, from the same Committee, reported back Senate bill for An Act in relation to clerks in the office of Secretary of State, and to provide for their pay, and recommended that it be passed.

The report was adopted, and

The House went into committee of the whole, (Mr. Hoff in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Robinson, from the Sacramento county delegation, reported back Assembly bill for An Act to provide for the erection of a jail in Sacramento county, and recommended that it be passed.

The report was adopted, and the bill was read a third time and passed.

Mr. Halley, from the select committee to whom was referred Assembly bill for An Act to secure to settlers a pre-emption right to the overflowed and swamp lands of the State, reported the same back, and recommended that it be passed.

The report was adopted, and the bill laid on the table.

On motion of Mr. Knight, Assembly bill for An Act to provide for the incorporation of Railroad Companies, was taken from the table.

The House then went into committee of the whole (Mr. Robinson in the chair) on the consideration of the bill, and having considered the same, rose and reported it back with sundry amendments, recommending their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments reported by the committee of the whole were then concurred in by the House.

Mr. Wells moved to amend 'the forty-first section, by striking out the word "two" and inserting the word "three."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote :

AYES.

Messrs. Blake,
Crenshaw,
Herbert,
Hoff,
Hunt,
Kittredge,
Knight,
Letcher,

Messrs. Mandeville,
McKamy,
Owen,
Rogers,
Thomas,
Tilghman,
Wells—15.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Carhart,
Conness,
Estep,
Garfield,

Messrs. Hally,
Harrison,
Irwin,
Meredith,
Reading,
Robinson,
Wing—15.

The bill was then read a third time and passed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to provide for the Incorporation of Wagon-Road Companies ;

An Act to amend the Fourth Section of an Act respecting fugitives

from labor, and slaves brought to this State prior to her admission into the Union, approved April 15, 1852 ;

Also, An Act amendatory of an Act entitled an Act to Incorporate the City of Sacramento, passed 1851.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital.

And the report was adopted.

Mr. Crenshaw, on leave, introduced a bill for An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity and Monterey Expeditions against the Indians, passed May 3d, 1852.

Which was read a first and second time, and referred to the Committee on Indian Affairs.

On motion of Mr. Garfield, Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy, certain lands in the City of Benicia, was taken from the table and made the special order for Tuesday, April 19, 1853, at 12 o'clock, M.

Mr. McCandless submitted the following report relative to the Maine Liquor Law. (See Appendix, No. 46.)

Which was read, and, with the accompanying bill, laid on the table.

On motion of Mr. Robinson, the Judiciary Committee was instructed to report back to this House the bill for An Act to legalize certain Records in the County of Sacramento.

Mr. Hally moved that the Judiciary Committee be instructed to report back the bill in relation to Settlers on Private Lands.

Which was agreed to.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, April 11, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.* in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Blake, Bostwick, Cabaniss, Cardozo, Fairfax, Gardner, Hally, Herbert, Hunt, McCandless, McMeans, Rogers, Smith, Walker, Wing and Yeiser.

On motion, leave of absence was granted for one day each, to Messrs. Fairfax, Bell, Hally, Blake, Pacheco, Cardozo and Bostwick.

The Journal of Saturday last was read and approved.

Mr. Tilghman submitted a Concurrent Resolution, directing the Secretary of State to deliver to each member of the Legislature, one copy of the Journals of the Assembly and Senate of 1852.

Which was read and adopted.

Mr. Letcher submitted a resolution granting the use of this Assembly room, on to-morrow evening, to Bishop Ames, for the purpose of holding divine worship.

Which was read and adopted.

On motion of Mr. Crenshaw, Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, made the special order for this day was taken up.

The House then went into committee of the whole (Mr. Wells in the chair) on the consideration of the bill, and having made some progress thereon, rose, and reported the same, and asked leave to sit again.

Which was granted, and the bill laid on the table.

On motion of Mr. Conness, the Resolution declaring Horace W. Carpentier entitled to a seat as a member of Assembly from the county of Contra Costa, was taken from the table.

The following testimony in the case was then read. (See Appendix, No. 47.)

Mr. Proctor then submitted the following as a substitute for the original resolution:

Resolved, That Mr. Carpentier be now requested to come forward and take his seat as member of this Assembly.

Mr. Crenshaw then submitted the following testimony, which was read. (See Appendix, No. 48.)

Mr. Crenshaw moved that the papers relative to the seat of H. W. Carpentier be referred to the Committee on Elections, with instructions to examine into the whole facts of the case, and ascertain if possible, why the

Clerk of the county of Contra Costa has not issued the certificate of election in the case.

Which was not agreed to.

The question then recurring on the adoption of the resolution submitted by Mr. Proctor.

On which the ayes and nays were demanded, and the resolution was adopted by the following vote :

AYES.

Messrs. Brush,

Canney,

Carhart,

Conness,

Estep,

Ewing,

Garfield,

Harrison,

Hoff,

Irwin,

Johnson,

Kittredge,

Knight,

Messrs. Letcher,

Martin,

McFarland,

McKamy,

McMahon,

Oliver,

Owen,

Proctor,

Redding,

Robinson,

Thomas,

Tilghman,

Wells—26.

NAYS.

Messrs. Covarrubias,

Crenshaw,

Meredith,

Messrs. McGarry,

Reading—5.

Mr. Carpentier then came forward, was sworn by the Speaker *pro tem.*, and took his seat as a member of this House.

On motion, at 10 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, April 12, 1853.

The House met pursuant to adjournment.

Mr. McCanney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Blake, Carhart, Cardozo, Covarrubias, Fairfax, Gardner, Hally, Hunt, Knight, McCandless, McMeans, Tilghman, Walker, Wing and Yeiser.

On motion, leave of absence for one day was granted to Messrs. Blake and Cardozo, to Mr. Hunt three days, and to Messrs. Smith, Wing and Pacheco indefinite leave was granted.

The Journal of Monday last was read and approved.

Mr. Meredith presented the petition of J. H. Purdy, relative to legalizing certain deeds made by Isaac Wilson and J. H. Van Houten, in the town of Eureka.

Which was read, and referred to the Judiciary Committee.

Mr. Rogers, from the Committee on Indian Affairs, reported back Senate bill for An Act authorizing the Treasurer of the State to issue Bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the north-eastern frontier, and recommended that it be passed.

The House then went into committee on the whole, (Mr. Oliver in the chair,) on the consideration of the bill, and having considered the same rose and reported it back without amendment, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Brush moved to amend the fourth section by striking out " March 17, 1851," and insert the words " May 1, 1852."

On which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Covarrubias,
Hoff,

Messrs. Irwin,
Letcher,
Meredith,
McGarry,
Owen,
Thomas,
Wells—14.

NAYS.

Messrs. Cabaniss,
 Carhart,
 Crenshaw,
 Estep,
 Ewing,
 Harrison,
 Herbert,
 Huse,
 Johnson,
 Knight,

Messrs. Martin,
 McFarland,
 McMahon,
 McMeans,
 Oliver,
 Proctor,
 Reading,
 Robinson,
 Rogers—19.

The bill was then read a third time, and passed by the following vote :

AYES.

Messrs. Cabaniss,
 Carhart,
 Crenshaw,
 Estep,
 Ewing,
 Harrison,
 Herbert,
 Huse,
 Johnson,
 Knight,

Messrs. Martin,
 McFarland,
 McMahon,
 McMeans,
 Oliver,
 Proctor,
 Reading,
 Robinson,
 Rogers,
 Tilghman—20.

NAYS.

Messrs. Bostwick,
 Brush,
 Canney,
 Carpentier,
 Conness,
 Covarrubias,
 Garfield,
 Hoff,
 Irwin,

Messrs. Kittredge,
 Letcher,
 Meredith,
 McGarry,
 Owen,
 Redding,
 Thomas,
 Wells—17.

Mr. Redding, of Yuba, from the select committee, reported back Assembly bill for An Act prescribing the time at which county and township officers shall enter upon the duties of their offices, with amendments, and recommended that it be passed.

The report was adopted, and the bill laid on the table.

Mr. Rogers moved that the Committee on Counties and County Boundaries be instructed to report back, on to morrow, the bill for An Act to create the county of Mokelumne, and provide for the organization of the same.

Which was agreed to.

Mr. McMeans, on leave, introduced a bill for An Act to provide for the inspection of Beef and Pork.

Which was read a first and second time, and referred to the committee of the whole House, and laid on the table.

Mr. Bostwick submitted the following report, which was read and adopted :

Mr. Speaker :

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled, An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language of the Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

JOHN H. BOSTWICK,
Assembly Committee.

Mr. Bostwick submitted the following report :

Mr. Speaker :

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor for his approval,

An Act for the relief of A. G. Hartt, M. D. ;

Also, An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital ;

Also, An Act to separate the office of County Recorder, from the office of County Clerk in the county of Yuba ;

And, An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language, of the Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

JOHN H. BOSTWICK,
Assembly Committee.

Mr. Conness, on leave, introduced a bill for An Act to amend an Act concerning the office of County Assessor, passed March 27, 1850.

Which was read a first and second time, and referred to the Committee on Ways and Means.

The following message was received from the Senate :

Mr. Speaker :

The Senate, on the 6th inst., refused to pass Assembly bill for An Act recommending to the electors to vote for or against calling a convention to revise and change the entire constitution of this State ;

And passed on the 8th inst.,

An Act to amend to an Act to establish a standard of Weights and Measures, passed March 30, 1850 ;

And passed this day,

An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 22, 1853.

Senate bill for An Act to amend an act entitled an Act to establish a standard of Weights and Measures, passed March 30, 1850, was then read a first time, and laid over under the rules.

Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions and to repeal a like Act passed April 22, 1850, was then read a first and second time, and referred to the Judiciary Committee, with instructions to report on Thursday next.

The following Annual Report of the Superintendent of Public Instructions, was presented by the Speaker; read, laid on the table, and two thousand copies ordered to be printed. (See Senate Appendix, No. 61.)

On motion of Mr. Ewing, Assembly bill for An Act for the relief of Wm. Waldo, was taken from the table, considered in committee of the whole, reported back without amendment, and the committee discharged.

The bill was then considered engrossed, read a third time, and passed.

Assembly bill for An Act for the government and protection of Indians, made the special order for this day, was then taken up, and laid on the table.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 13, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Blake, Cabaniss, Carpentier, Cardozo, Fairfax, Hally, Johnson, and Walker.

On motion, leave of absence for three days was granted to Mr. Johnson.

to Mr. Cabaniss for one week, and to Messrs. Blake and Cardozo for the remainder of this week.

The Journal of Tuesday last was read and approved.

Mr. Robinson presented the petition of the Common Council of the city of Sacramento, praying for certain amendments to the charter of that city.

Which was read, and referred to the members from Sacramento county.

Mr. Conness, from the Committee on Claims, reported a bill for An Act to provide for the payment of certain persons therein named, for work done and materials furnished.

Which was read a first and second time, considered in committee of the whole, reported back without amendment, the committee discharged, and the rules suspended.

The bill was then read a third time and passed.

Mr. Letcher gave notice that he would, on to-morrow, move to change the hour of meeting of this House.

Assembly bill for An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851, was then taken up, read a third time, and passed.

Senate bill for An Act to amend an Act entitled an Act to establish a standard of Weights and Measures, passed March 30, 1850, was then read a second time, and laid over under the rules.

Senate bill for An Act to provide for the payment to Beverly C. Sanders, of expenses incurred by order of the Governor in December, 1851, for the suppression of Indian hostilities in the county of San Diego, was then taken up, read a second time, considered in committee of the whole, the committee discharged, the rules suspended, and the bill read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays demanded, and the House passed the bill by the following vote:

AYES.

Messrs. Bostwick,
Canney,
Carhart,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Gardner,
Hoff,
Huse,
Knight,

Messrs. Letcher,
Martin,
McCandless,
McKamy,
McMahon,
Myres,
Oliver,
Reading,
Redding,
Robinson,
Wilson—23.

NAYS.

Messrs. Bell,
Brush,

Messrs. Meredith,
Owen,

Messrs. Harrison,
Herbert,
Kittredge,

Messrs. Rogers,
Wells—9.

Assembly bill for An Act to fund the floating debt of the county of Sacramento, and to provide for the payment of the same, was then taken up, read a third time, and passed.

The vote by which the bill was passed was subsequently reconsidered, and the bill laid on the table.

Mr. Redding, of Yuba, from the select committee of one from each of the mining counties, introduced a bill for An Act to provide for the enactment and preservation of local mining laws.

Which was read a first and second time, and referred to the Committee on Mines and Mining Interests.

On motion of Mr. McMeans, Assembly bill for An Act entitled an Act to provide for the levying, assessing, and collecting of the public revenue, approved April 23, 1852, was taken from the table.

The House then went into committee of the whole, (Mr. Herbert in the chair,) on the consideration of the bill, and having considered the same, rose and reported the same back with amendments, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then laid on the table, and made the special order for Friday next, at 11 o'clock; A. M.

Mr. McCandless submitted a Concurrent Resolution, fixing a time for the election of Physicians for the State Hospitals at San Francisco, Sacramento, and Stockton.

Which was read and laid on the table.

Mr. Owen submitted the following resolution, which was read, and laid on the table:

Resolved, That no new business be received into this House after the 19th day of this month.

Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State, made the special order for this day, was then taken up, and made the special order for Wednesday next, April 20, 1853, at 12 o'clock, M.

On motion of Mr. Crenshaw, Senate bill for An Act in relation to the interest on the funded debt of 1852, was taken from the table, and referred to the Committee on Ways and Means.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of William Waldo.

And the report was adopted.

On motion of Mr. McMeans, the Committee on Public Buildings and Grounds were instructed to report back to this House on Monday next, Assembly bill for An Act to establish an Asylum for the Insane.

On motion of Mr. Brush, Assembly bill for An Act concerning the Salaries of Officers and Pay of Members of the Legislature, was taken from the table.

The House then went into committee of the whole, (Mr. Rogers in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back with amendments, and asked to be discharged from further consideration of the subject, which was granted.

Mr. Redding of Yuba, moved a call of the House, which was sustained, and on the roll being called, the following members were absent: Messrs. Carhart, Conness, Estep, Garfield, McMahon, and Robinson.

On motion, further proceedings under the call were dispensed with.

Mr. Thomas moved to adjourn, on which the ayes and nays were demanded, and the House refused to adjourn by the following vote :

AYES.

Messrs. Bell,
Gardner,
Leake,
McCandless,
McGarry,
McKamy,
McMeans,

Messrs. Proctor,
Reading,
Thomas,
Wells,
Wilson,
Yeiser—13.

NAYS.

Messrs. Brush,
Canney,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Huse,
Kittredge,

Messrs. Knight,
Letcher,
Martin,
Meredith,
Myres,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Tilghman—22.

Mr. Proctor moved to lay the bill on the table.

Which was not agreed to.

On motion, at 4 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 14, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were found absent :

Messrs. Carpentier, Covarrubias, Fairfax, Irwin, Leake, Meredith, McMahon, Moore, Tilghman and Walker.

On motion, leave of absence for one day each was granted to Messrs. Meredith, Tilghman, Irwin and Hally ; to Mr. Hunt for three days.

The Journal of Wednesday last was read and approved.

Mr. Yeiser submitted the following report :

Mr. Speaker :

The Judiciary Committee beg leave to report back An Act to limit the application of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29th, 1851 ;

An Act to amend an Act concerning Corporations ; and

A Bill for An Act for the protection of persons who may settle upon private lands in this State, without recommendation.

The committee recommend the passage, without amendment, of a bill to be entitled An Act to provide a Library for the Supreme Court ; also,

An Act to provide for enforcing the collection of taxes on consigned goods ; and

An Act to amend an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein, passed April 25th, 1851.

They also recommend the passage of An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions ; and to repeal a like Act, passed April 22d, 1851, with the following amendments thereto :

First : Amend third division of Section 1, by inserting, after " Mariposa," the words " Placer, San Joaquin."

Second : Strike out the fourth division of Section 1.

Third : Strike out the word " Placer," in the fifth division of Section 1.

Fourth : Amend the numbers of the sub-divisions of Section 1.

Fifth : Amend Section 3, by striking out " five," in the second line, and inserting " eight." Also, strike out " San Bernardino," in same section.

Sixth : Amend Section 4, by inserting, after the word " office," in second line, the words " except the County Judge of the county of Placer, who shall, from and after the passage of this Act, receive the amount as provided in this Act."

Your committee have also carefully considered, An Act to fix the compensation of certain officers in the county of Siskiyou ;

An Act to amend an Act to fix the compensation of County Judges and Associate Judges of the Court of Sessions, passed 22d April, 1850.

An Act to provide for a change of venue in certain cases ;

An Act in relation to personal mortgages in certain cases ;

A bill for An Act to authorize poor persons, in certain cases, to prosecute suits without the payment of costs ; and

A bill for An Act to define the jurisdiction of counties separated by rivers and water courses.

And report the same back, with a recommendation that they be not passed.

All of which is very respectfully submitted,

FRED. YEISER, Chairman.

Assembly bill for An Act to limit the application of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29th, 1851, was then read a third time ; and,

On the question, " Shall the bill now be passed ? " the ayes and nays were demanded, and the House refused to pass the bill by the following vote :

AYES.

Messrs. Bell,
Brush,
Hoff,
Kittredge,
McGarry,

Messrs. McMeans,
Myres,
Rogers,
Smith,
Wilson—10.

NAYS.

Messrs. Canney,
Carhart
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Gardner,
Garfield,
Harrison,
Herbert,
Huse,
Knight,
Letcher,

Messrs. Martin,
McCandless,
McFarland,
McKamy,
Oliver,
Owen,
Proctor,
Reading,
Robinson,
Thomas,
Wells,
Wing,
Yeiser—27.

Assembly bill for An Act to amend an Act concerning Corporations, was then taken up, and laid on the table.

Assembly bill for An Act for the protection of persons who may settle upon private lands in this State, was then taken up, and laid on the table.

Senate bill for An Act to provide a Library for the Supreme Court, was then taken up, and laid on the table.

Assembly bill for An Act for enforcing the collection of Taxes on consigned goods, was then taken up ; it was considered engrossed, read a third time, and passed.

Assembly bill for an Act to amend an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein, passed April 25th, 1851, was then taken up, considered engrossed, read a third time, and passed.

Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions ; and to repeal a like Act passed April 22d, 1850, was then taken up, amended, read a third time and passed.

Assembly bill for An Act to fix the compensation of certain officers in the county of Siskiyou, was then taken up, and laid on the table.

Senate bill for An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850, was then taken up, and indefinitely postponed.

Assembly bill for An Act to provide for a change of venue in certain cases, was then taken up, and indefinitely postponed.

Senate bill for An Act in relation to personal mortgages in certain cases, was then taken up, and indefinitely postponed.

Senate bill for An Act to authorize poor persons in certain cases to prosecute Suits without the payment of costs, was then taken up and indefinitely postponed.

Senate bill for An Act to define the jurisdiction of counties separated by rivers and water courses, was then taken up and indefinitely postponed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act supplementary to an Act regulating Public Ferries, passed March 18, 1850.

Also An Act for the relief of Wm. Aikenhead, County Treasurer of Santa Clara county.

Also An Act to provide for the formation of Corporations for certain purposes.

And also An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay, and the report was adopted.

Mr. Covarrubias, from the Committee on Military Affairs, reported back Senate bill for An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald in the county of San Diego, with a recommendation that it be referred to the Committee on Claims.

The report was adopted, and the bill referred as recommended.

Mr. Herbert, from the Committee on Military Affairs, submitted the following Report :

Mr. Speaker:

The Committee on Military Affairs, to whom was referred a Joint Reso-

lution requiring the Comptroller to draw his warrant for five thousand dollars in favor of any person or persons capturing the Robber Joaquin, with instructions to present a bill, have had the same under consideration, and ask leave to report the following bill and recommend its passage.

Assembly bill for An Act requiring the Comptroller of State to draw his warrant for a certain sum in favor of any person or persons arresting or capturing the Robber Joaquin, was then read a first time, and laid on the table.

Mr. Covarrubias, from the Committee on Military Affairs, submitted the following report, relative to the resolution for the capture of Joaquin. (See Appendix, No. 49.)

Which was read, and with the bill, laid on the table.

Mr. Gardner, from the Committee on Mines and Mining Interests, reported back Assembly bill for An Act to provide for the enactment and preservation of local Mining Laws, and recommended its passage.

The House then went into committee of the whole (Mr. Proctor in the chair,) on the consideration of the bill, and having made some progress thereon, rose, and reported the same and asked leave to sit again.

Which was granted and the bill laid on the table.

Mr. McMeans, from the Committee on Ways and Means, reported back Senate bill for an Act in relation to the interest on the Funded debt of 1853, with an amendment and recommended its passage.

The bill was then considered, amended, read a third time, and passed.

Mr. Robinson submitted the following report :

Mr. Speaker :

The Representatives from Sacramento, to whom was referred the petition of the Mayor and Common Council of the city of Sacramento, ask leave to report back the said petition, and a bill in accordance with the prayer thereof, and recommended the passage of the bill.

All of which is respectfully submitted.

R. ROBINSON,
For the Committee.

Assembly bill for An Act supplementary to an Act to incorporate the city of Sacramento, passed 1851, was then read a first and second time, the rules suspended, it was then considered engrossed, read a third time and passed.

Mr. Bostwick submitted the following report :

Mr. Speaker:

The Joint Committee on Enrolled Bills report that they have, this day,

presented to the Governor for his approval, An Act supplementary to an Act regulating Public Ferries, passed March 18, 1850 ; also

An Act for the relief of Wm. Aikenhead, County Treasurer of the county of Santa Clara ; also

An Act to provide for the formation of Corporations for certain purposes ; and

An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay.

JOHN H. BOSTWICK,
One of Assembly Committee.

Mr. McCandless, from the Select Committee, reported back Assembly bill for An Act to Fund the debt of the county of Sutter, and provide for the payment thereof, and recommended its passage.

The report was adopted, and pending the consideration of the bill,

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 15, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker, *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Bostwick, Carhart, Carpentier, Covarrubias, Crenshaw, Fairfax, Gardner, Garfield, Knight, Meredith, McCandless, Moore, Myres, Oliver, Reading of Trinity, Smith, Tilghman, Walker and Yeiser.

On motion, leave of absence for the remainder of this week was granted to Messrs. Walker and Tilghman ; to Mr. Wing, for three days, and to Mr. Wall until Tuesday next.

The Journal of Thursday last was read and approved.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to amend an Act concerning the office of County Assessor, passed March 27th, 1850, with amendments, and recommended that it be passed.

The report was adopted.

And bill was then amended, considered engrossed, read a third and passed.

Mr. Letcher, agreeably to previous notice, submitted the following resolution, which was read and adopted :

Resolved, That there shall be held, for the remainder of the present session of the Legislature, a forenoon session, from ten o'clock, A. M. to one o'clock, P. M.; and an afternoon session, commencing at three, o'clock P. M.

Mr. Ewing, from the Committee on Counties and County Boundaries, to whom was referred Assembly bill for An Act to create the County of Mokelumne, and provide for the organization of the same, reported the same back with amendments, recommending their adoption and the passage of the bill.

On motion of Mr. Oliver, the report was adopted, and the House proceeded to consider the bill.

The first amendment to section one, to insert after the word "Calaveras," the words "and the County of El Dorado," reported by the committee, was agreed to.

Mr. Rogers then moved to adopt the second amendment to the first section, to insert in the twelfth line after the word "to," the words "a point directly east of the source of the south fork of the Cosumne River, thence west to the source of said river, thence down said river to."

On which the ayes and nays were demanded.

And the amendment was adopted by the following vote :

AYES.

Messrs. Brush,
Canney,
Covarrubias,
Crenshaw,
Estep,
Gardner,
Garfield,
Harrison,
Herbert,
Hoff,
Huse,
Irwin,
Johnson,
Kittredge,

Messrs. Letcher,
Martin,
McFarland,
Myres,
Oliver,
Owen,
Proctor,
Redding,
Robinson,
Rogers,
Thomas,
Wells,
Wilson—27.

NAYS.

Messrs. Bostwick,
Conness,
Leake,

Messrs. McMeans,
Yeiser—5.

On motion of Mr. Leake, the House then went into committee of the whole (Mr. Hoff in the chair) on the further consideration of the bill, and

having made some progress thereon, the committee rose, reported the same, and asked leave to sit again.

Which was granted, and the bill was laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851;

Also, An Act supplementary to an Act to Incorporate the City of Sacramento, passed 1851;

Also, An Act to provide for enforcing the collection of Taxes on Consigned Goods.

And the report was adopted.

Mr. Robinson presented the memorial of the Mayor and Common Council of the City of Sacramento, praying for the re-erection of a State Hospital in that city, on the site of the one destroyed by the conflagration of 1852.

Which was read, and referred to the Committee on State Hospitals.

Mr. Bostwick submitted the following report, which was read and adopted:

Mr. Speaker:

The Joint Committee on Enrollment report that, they have examined and found correctly enrolled, An Act to provide for the payment of Beverly C. Saunders' expenses incurred by order of the Governor, in December, 1851, for the suppression of Indian hostilities in the County of San Diego;

And also, An Act authorizing the Treasurer of the State to issue Bonds for the payment of the expenses of Volunteer Rangers and Captain B. Wright and Charles McDermitt, in protecting the Overland Immigration on the north-eastern frontier. (An erasure having been made in the third line of section three, of the words "again examined," and these words again re-written.

J. H. BOSTWICK,

Assembly Committee.

A message was received from the Governor informing the Assembly that he did on the 12th inst., approve An Act to separate the office of County Recorder from the office of County Clerk in the county of Yuba.

A message was received from the Senate informing the Assembly that they did on yesterday pass Assembly bill for An Act amendatory of an Act to incorporate the city of Sacramento;

And that they had passed with an amendment,

Assembly bill for An Act to amend an Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April 15th, 1852;

Assembly bill for An Act to amend an Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April 15th, 1852, as amended by the Senate was then taken up, and the Senate amendments concurred in.

The following message was received from the Senate:

Mr. Speaker :

The Senate passed yesterday, An Act to provide for the payment of certain persons therein named, for services rendered and material furnished ;

An Act to amend an Act concerning Toll Bridges ;

And Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county ;

And postponed indefinitely, this day, Assembly bill for An Act for the relief of Lawrence McMahon.

By order of the Senate,

A. C. BRADFORD,

Secretary.

April 14, 1853.

Senate bill for An Act to provide for the payment of certain persons therein named, for services rendered and material furnished, was then taken up, and read a first and second time, and referred to the Committee on Claims.

Senate bill for An to amend an Act entitled an Act concerning Toll Bridges, was then taken up, read twice, and referred to the Committee on Roads and Highways.

A message was received from the Senate requesting the Assembly to return to the Senate Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

The following message was received from the Senate on yesterday and laid on the Speaker's table.

Mr. Speaker :

The Senate passed yesterday with an amendment, Assembly bill for An Act concerning Roads and Highways ;

And Assembly Joint Resolution in relation to the Harbor of Santa Barbara ;

And concurred this day, in Assembly amendments to Senate bill for An Act to provide for the incorporation of Railroad Companies.

By order of the Senate,

A. C. BRADFORD,

Secretary.

13th April, 1853.

Assembly bill for An Act concerning Roads and Highways, as amended by the Senate, was then taken up, and the amendment concurred in.

Assembly bill for An Act to provide for the measurement of Lumber, was then taken up and laid on the table.

On motion of Mr. Hoff, the vote by which Senate bill for An Act in relation to Personal Mortgages in certain cases, was indefinitely postponed,

was reconsidered and recommitted to the Judiciary Committee, with instructions to strike out from the bill everything relating to mining claims.

The Speaker pro tem. then stated the hour for the taking up of the special order had arrived.

When Mr. McMeans moved that Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, made the special order for this day, be now taken up and considered.

Which was agreed to, and the House proceeded to consider the bill by sections.

Mr. Robinson moved to amend the first section by striking out the word "forty" and inserting the word "eighty."

Which was agreed to.

The Speaker pro tem. stated that the hour of 1 o'clock, P. M., had arrived, and the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

Mr. Canney in the chair.

The Chair stated that there was no quorum present.

Mr. Hoff moved a call of the House, which was sustained, and on the roll being called the following members were absent:

Messrs Carhart, Covarrubias, Fairfax, Garfield, Irwin, Leake, Meredith, McCandless, Reading of Trinity, Redding of Yuba, Rogers, Smith, Thomas and Wilson.

The Sergeant-at-Arms was dispatched to bring the absentees to the bar of the House.

Messrs. Reading of Trinity, Redding of Yuba, and Rogers appeared at the bar of the House, were admitted, excused, and took their seats.

Mr. Rogers moved that further proceedings under the call be dispensed with.

Which was agreed to.

A message was received from the Senate, requesting the Assembly to return Assembly bill for An Act amendatory of an Act to incorporate the city of Sacramento, passed 1851.

Mr. Johnson moved that the request of the Senate be complied with, and that the Clerk be directed to return the bill to the Senate.

Which was agreed to.

Mr. Gardner moved that Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county be also returned to the Senate, in compliance with the request of the Senate.

Which was agreed to.

The bill pending at the time of taking a recess was again taken under consideration.

Mr. Johnson submitted an amendment to the first section.

Which was adopted.

On motion of Mr. McMeans, the House then went into committee of the whole, (Mr. Owen in the chair,) on the further consideration of the bill, and having made some progress thereon, the Committee rose and reported the same to the House, and asked leave to sit again.

Which was granted.

Mr. Brush submitted the following resolution, which was read and adopted :

Resolved, That the Clerk of the Assembly be requested to return the papers that belong to Mr. Warner, that the Committee on Claims had before them.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union.

And the report was adopted.

Mr. Bostwick, from the same committee, reported that they had this day presented to the Governor, for his approval, An Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

And the report was adopted.

A message was received from the Governor, informing the Assembly that he had this day approved An Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

On motion, at 5 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, April 16, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Fairfax, Gardner, Martin, Moore, Robinson, Smith, Tilghman, and Yeiser.

On motion, leave of absence was granted to Messrs. Robinson and Yeiser, for one day each.

The Journal of Friday last was read and approved.

Mr. Bell presented the petition of ten citizens of Mariposa, praying for a certain change of the boundary line of said county.

Which was read and referred to the Committee on Counties and County Boundaries.

Mr. Carpentier presented the memorial of citizens of Contra Costa

county, relating to the late division of said county, and for the creation of a new county.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Carpentier also presented a petition of citizens of San Pablo in Contra Costa county, praying for another division of said county.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Carpentier also presented the petition of certain citizens of Contra Costa and Santa Clara counties, praying for the creation of a new county.

Which was read and referred to the Committee on Counties and County Boundaries.

Mr. Johnson presented the memorial of F. W. Thayer, Attorney and Counsellor-at Law, in relation to the codification of the Laws of this State.

Which was read and laid on the table.

Mr. Crenshaw submitted the following report, which was read and adopted :

Mr. Speaker :

The Committee on Claims, to whom was referred a bill for An Act for the relief of Manuel Garfias, have had the same under consideration, and find upon examination, that the said Garfias, was formerly County Treasurer of the county of Los Angeles, that he went to the city of Sacramento, to make his settlement with the proper officer ; that he proposed to pay the money into the Treasury, and the State Treasurer informed him that he could not receive the money in consequence of the fact that the Treasury safe was being moved from Vallejo to Sacramento, (at that time it was on the wharf at Sacramento city,) that when the safe was in a condition to receive the funds, he got his money out and had it upon the counter of the house at which it was deposited, and some person stepped up and stole \$1000, of the money.

Upon these facts the claim is based.

Your Committee are satisfied that if the Treasury had been in a condition to receive the money at the time he first offered it to the Treasurer, it would not have been lost.

Your Committee therefore recommend the passage of the bill.

CRENSHAW,
Chairman.

Mr. Crenshaw moved that Assembly bill for An Act for the relief of Manuel Garfias be considered now.

Which was agreed to, and,

On motion of Mr. McFarland, the House then went into committee of the whole, (Mr. McFarland in the chair,) on the consideration of the bill, and having considered the same, the committee rose and reported the bill to the House without amendment, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. McFarland, the bill was considered engrossed.

The bill was then read a third time and passed.

A message was received from the Governor informing the Assembly that he had this day approved An Act to authorize the Comptroller of State to audit the accounts of the President of the Board of Trustees of the Stockton State Hospitals.

On motion of Mr. McCandless, Assembly bill for An Act to fund the debt of the county of Sutter and provide for the payment thereof, was taken up, considered, read a third time and passed.

Mr. Carpentier, on leave, introduced a bill for An Act to change the name of Contra Costa county and to create a new county therefrom.

Which was read twice, and referred to the Committee on Counties and County Boundaries.

Mr. McMeans, on leave introduced a bill for An Act to repeal the fifth section of An Act to Fund the Indebtedness of the State, &c., passed May 1, 1852.

Which was read twice, and referred to the Committee on Ways and Means.

Mr. Crenshaw gave notice that he would, on Tuesday next, introduce a bill for An Act to provide for the Incorporation of Companies for the construction of Plank or Turnpike Roads.

Mr. Covarrubias gave notice that he would, on to-morrow, move to reconsider the vote by which the House passed the bill for An Act to Fund the Debt of the County of Sutter, and provide for the payment thereof.

Mr. Bestwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, a Joint Resolution in Relation to the Harbor of Santa Barbara.

And the report was adopted.

On motion of Mr. Wells, the House then went into committee of the whole, (Mr. Herbert in the chair,) on the consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23d. 1852, and having made some progress thereon, the committee rose and reported the same to the House, and asked leave to sit again.

Which was granted, and the hour of one o'clock having arrived, the House took a recess until three o'clock, P. M.

The House re-assembled at three o'clock, P. M.

Mr. Reading, of Trinity, gave notice that he would, on Monday next, move to amend the rule of this House in relation to forenoon and afternoon sessions.

The following message was received from the Senate :

Mr. Speaker:

The Senate passed, on the 14th inst., An Act to amend the sixteenth section of an Act to provide for Funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt, passed April 20, 1852;

And on the 15th inst., An Act concerning Estrays ;

And with an amendment, Assembly bill for An Act to provide for the Incorporation of Wagon Road Companies ;

And refused to concur in Assembly amendments to Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22, 1850 ;

And An Act to authorize the Board of Supervisors of Los Angeles County, to lay a special tax for the erection of County Buildings ;

And passed also, a Concurrent Resolution to adjourn *sine die* on Wednesday, 11th day of May, at 2 o'clock, P. M.

By order of the Senate :

A. C. BRADFORD,
Secretary of the Senate.

April 16, 1853.

Senate bill for An Act to amend the sixteenth section of an Act entitled An Act to provide for the Funding of the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt, passed April 20, 1852, was then taken up, read twice, and referred to the members from San Joaquin County.

Senate bill for An Act concerning Estrays, was then taken up, read twice, and referred to the Committee on Agriculture.

Assembly bill, as amended by the Senate, for An Act to provide for the Incorporation of Wagon Road Companies, was then taken up, and laid on the table.

The House then refused to recede from their amendments to Senate bill, for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22, 1850.

And the Speaker appointed Messrs. Wells, Myres and Mandeville, as a committee of conference on the disagreeing vote of the two Houses on the bill.

Senate bill for An Act to authorize the Board of Supervisors of Los Angeles county to levy a special tax for the erection of County Buildings, was then taken up, read twice and the rules suspended.

It was then read a third time and passed.

Senate Concurrent Resolution to adjourn *sine die*, on Wednesday, 11th day of May, at 2 o'clock P. M., was then taken up and laid on the table.

A message was received from the Senate informing the Assembly that they had refused to concur in Assembly amendments to Senate bill for An Act in relation to the interest on the Funded Debt of 1852.

When Mr. McMeans moved that the House refuse to recede from their amendments.

Which was agreed to, and the Speaker appointed Messrs. McMeans, Crenshaw and Johnson as a committee of conference on the disagreeing vote of the two Houses on the bill.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act concerning Roads and Highways.

And the report was adopted.

Mr. Bostwick submitted the following report :

BENICIA, April 16, 1853.

Mr. Speaker :

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor, for his approval—

An Act to provide for the payment of Beverly C. Saunders' expenses, incurred by order of the Governor, in December, 1851, for the suppression of Indian hostilities in the county of San Diego ;

Also, An Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland Emigration on the northeastern frontier ;

And that they have deposited in Secretary of State's office Joint Resolution in relation to the Harbor of Santa Barbara.

J. H. BOSTWICK,
Assembly Committee.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to amend an Act concerning the office of County Assessor.

Mr. Redding, of Yuba, moved that when this House adjourn that it adjourn until Monday next, at 7 o'clock, P. M.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Bell,
Canney,
Crenshaw,
Ewing,
Herbert,
Huse,
Johnson,

Messrs. Knight,
McKamy,
Myres,
Proctor,
Reading,
Redding—12.

NAYS.

Messrs. Bostwick,
Brush,
Carpentier,
Conness,
Covarrubias,
Estep,
Garfield,
Harrison,
Hoff,
Irwin,

Messrs. Kittredge,
Letcher,
Mandeville,
Meredith,
McCandless,
McFarland,
McMeans,
Rogers,
Thomas,
Wells—20.

Mr. Reading, of Trinity, asked for leave of absence until Tuesday next.

Which was granted.

Mr. Crenshaw moved to adjourn until Monday next, at 7½ o'clock, P.M.

On which the ayes and nays were demanded, and the House adjourned by the following vote :

AYES.

Messrs. Bell,
Canney,
Carpentier,
Conness,
Crenshaw,
Ewing,
Herbert,
Huse,
Johnson,

Messrs. Knight,
Letcher,
Meredith,
McKamy,
Proctor,
Reading,
Redding,
Smith—17.

NAYS.

Messrs. Bostwick,
Brush,
Covarrubias,
Estep,
Harrison,
Hoff,
Kittredge,
Mandeville,

Messrs. McCandless,
McFarland,
McMahon,
McMeans,
Oliver,
Rogers,
Thomas,
Wells—16.

HOUSE OF ASSEMBLY.

MONDAY, April 18, 1853.

House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Carhart, Conness, Gardner, Hally, Martin, McMahon, Smith, Tilghman and Wing.

On motion, leave of absence was granted to Messrs. Conness and Hally

for two days each ; and to Messrs. Wing, Bell, Proctor and Tilghman one day each ; and to Mr. Cabaniss indefinite leave was granted.

The Journal of Saturday last was read and approved.

Mr. Crenshaw then stated that Messrs. Heydenfeldt, Flower, Saunders and Sime, the members elect from the county of San Francisco were present, and moved that they be requested to now come forward, be sworn, and take their seats.

Which was agreed to.

Messrs. Flower, Heydenfeldt, Saunders and Sime then came forward, presented their certificates, which were read.

They were then severally sworn by the Speaker *pro tem.*, (Mr. Canney,) and took their seats as members of this House.

The Speaker *pro tem.* then appointed Mr. Saunders as a member of the Committees on Commerce, Judiciary, and Corporations.

A message was received from the Senate, informing the Assembly that they did, on the 15th instant, pass An Act to provide for the compilation and publication of the Laws of the State of California and the payment thereof, as a substitute for Assembly bill of the same title.

And that they did, on the 16th instant, pass Assembly bill for An Act to provide for the payment of certain persons, therein named, for work done and materials furnished.

Senate bill for An Act to provide for the compilation and publication of the Laws of the State of California and the payment thereof, was then taken up, read a first and second time ; when,

On motion of Mr. Myres, the House went into committee of the whole (Mr. Mandeville in the chair) on the consideration of the bill ; and having considered the same, the committee rose, and reported back the bill without amendment, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Myres moved that the rules be suspended, and that the bill be read a third time now.

Which was agreed to.

The bill was then read a third time.

And on the question, " Shall the bill now be passed ?" the ayes and nays were demanded, and the bill was passed by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Canney,
Crenshaw,
Ewing,
Fairfax,
Flower,
Harrison,
Herbert,
Hoff,

Messrs. Letcher,
Mandeville,
Meredith,
McGarry,
McKamy,
Moore,
Myres,
Oliver,
Owen,
Proctor,
Reading,

Messrs. Hunt,
Irwin,
Johnson,
Kittredge,
Knight,
Leake,

Messrs. Redding,
Rogers,
Thomas,
Wells,
Yeiser—33.

NAYS.

Messrs. Cardozo,
Estep,
Heydenfeldt,
Huse,

Messrs. Martin,
McMeans,
Robinson—7.

Mr. Bostwick submitted the following report, which was read and adopted. (See Appendix, No. 50.)

Assembly bill for An Act to suppress Gambling, was then taken up.

Mr. Proctor moved that the bill be indefinitely postponed.

On which the ayes and nays were demanded, and the House refused to indefinitely postpone by the following vote :

AYES.

Messrs. Blake,
Cardozo,
Heydenfeldt,

Messrs. Proctor,
Yeiser—5.

NAYS.

Messrs. Bostwick,
Brush,
Canney,
Carpentier,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Garfield,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Kittredge,

Messrs. Knight,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McGarry,
McKamy,
McMeans,
Moore,
Oliver,
Owen,
Reading,
Redding,
Robinson,
Rogers,
Thomas,
Wells—36.

Mr. Crenshaw submitted the following amendments to the Constitution of

this State, which were read, laid on the table, and two hundred and forty copies ordered to be printed :

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

The Legislature of the State of California, at its Fourth Session, commenced on the third day of January, A. D. 1853, propose, as amendments to the present Constitution of this State, the following :

Amendment I.

Section 2, of Art. IV., is amended so as to read as follows :

Section 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next after the election of its members, unless the Governor of the State shall in the interim convene the Legislature by proclamation.

Amendment II.

Section 3, of Art. IV., is amended so as to read as follows :

Section 3. The members of the Assembly shall be chosen by the qualified electors of their respective districts on the first Wednesday of September, one thousand eight hundred and fifty-four, and biennially thereafter, unless otherwise ordered by the Legislature, and their term of office shall be two years.

Amendment III.

Section 5, of Art. IV., is amended so as to read as follows :

Section 5. Senators shall be chosen for the term of four years, at the same time and place as members of the Assembly ; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State two years, and of the county or district for which he shall be chosen, one year next preceding his election.

Amendment IV.

Section 6, of Art. IV., is amended so as to read as follows :

Section 6. The number of Senators shall not be less than one-third, nor more than one-half, of that of members of Assembly ; and at the first session of the Legislature after this amendment takes effect, the Senators shall be divided by lot, as equally as can be, into two classes ; the seats of the

Senators of the first class shall be vacated at the expiration of two years, so that one-half, as nearly as may be, shall be chosen biennially.

Amendment V.

Section 25, of Art. IV., is amended so as to read as follows :

Section 25. No law enacted by the Legislature shall embrace more than one object, and that shall be expressed in the title.

Amendment VI.

Section 28, of Art. IV., is amended so as to read as follows :

Section 28. The enumeration of the inhabitants of this State shall be taken at such times and in such manner as the Legislature may by law prescribe ; and the number of the European race, as ascertained by such enumeration, together with the census that may be taken under the direction of the Congress of the United States in the year one thousand eight hundred and sixty, and every subsequent ten years thereafter, shall serve as the basis of representation in both branches of the Legislature.

Amendment VII.

Section 2, of Art. X., is hereby amended so as to read as follows :

And if at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against the Convention ; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention, to be holden within six months after the passage of such law ; and such Convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people at the next general election, for their ratification or rejection. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written or printed, "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of this State, who shall call to his assistance the Comptroller, Treasurer, and Secretary of State, and compare the votes so certified to him. If by such examination it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, then the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

The following message and communication of the Comptroller of State was received from the Governor, read, and referred to the Committee on Ways and Means, and two hundred and forty copies ordered to be printed.

EXECUTIVE DEPARTMENT, }
Benicia, April 18, 1853. }

To the Senate and Assembly of California:

I have the honor, herewith, to transmit a highly important communication from the Hon. W. S. Pierce, Comptroller of State, (See Senate Appendix, No. 66,) in reply to a note addressed him on the 13th inst.

This communication discloses the fact, that to sustain the credit of the State it is now necessary to obtain the sum of twenty thousand two hundred and nine dollars and seventeen cents, being the amount required in addition to that on hand, to pay the interest due on the funded debt on the first day of July next.

On the 14th inst. the amount of State debt funded at an interest of seven per cent., under the Acts of 1851 and 1852, was \$1,376,000; annual interest on the same, \$96,320.

The amount realized from the sale of School Land Warrants, chargeable with an interest of seven per cent. per annum, \$285,760; annual interest on same, \$20,003 20. Total annual interest on the Funded Debt and School Fund, \$116,323 20.

To this sum must be added the amount of interest accruing monthly on the thirty-nine thousand one hundred and twenty-five dollars of three per cent. bonds unredeemed.

The above statement establishes the alarming fact, that it will require all of one hundred and twenty thousand dollars the present year, to pay the accruing interest on the indebtedness of the State. The interest on the Funded debt is fully due in the city of New York on the first of July next, and ought to be in the hands of the agent of the State in that city on or before the 20th of June, so as to give full time to notify bond holders of his readiness to pay, as well as the precise time and place of payment. A failure to pay when due the interest on the Civil Bonds of the State, now held by capitalists in the Atlantic cities, cannot fail to have a blighting influence on the credit of California abroad, and at home must greatly depreciate the evidences of State indebtedness which have been or may hereafter be issued by authority of law. To meet the present deficiency in the interest fund, as well as to provide for the future, I would respectfully recommend, that the Funding Act of 1852 be so amended as to authorize a Board of Commissioners, consisting of three or more of the State officers, to make such contracts or arrangements as may be necessary; in this respect, to protect the credit of the State.

Deeply impressed with the great importance of sustaining the credit and liquidating the entire civil debt of the State as speedily as possible, I have deemed it my duty, in this connection, again to direct your attention to the recommendations contained in my special message of the 24th of March.

The beach and water property at San Francisco, which is believed to be worth man millions of dollars, rightfully belongs to the State of California,

and no good reason has been assigned why it should not be disposed of under the provisions of a carefully guarded legislative enactment, and the proceeds applied to the payment of the common debt.

This subject has received my most careful consideration, and I can think of no other mode by which the credit of the State can be sustained and the debt liquidated, unless you resort to more than treble the present rates of taxation; an imposition entirely too onerous to be borne by the people at this time.

JOHN BIGLER.

The following message was received from the Governor, which was read and referred to the Judiciary Committee, and four hundred and eighty copies ordered to be printed.

EXECUTIVE DEPARTMENT, }
Benicia, April 18, 1853. }

To the Senate and Assembly of California :

I deem it my duty to inform you that the Sheriff of San Francisco county has levied upon, and offered for sale on the 29th instant, to satisfy a judgment obtained against the city of San Francisco in favor of L. D. Brown—"all those pieces or parcels of ground covered with water, situated on each side of Central wharf, within the space bounded by Sacramento, Davis and Clay Streets, and the unnamed Street next beyond Drum Street, and laid out as water lots on the Map on record in the office of the Recorder of the county of San Francisco, mentioned and made official in the first water lot bill, and are those numbered 520, 521, 522, 524, 525, 526, 528, 529, 530, 531, 532, 533, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, and 564."

By the provisions of the water lot Act of March 26th, 1851, twenty-five per cent. of the proceeds of all sales is reserved to the State. If this property is permitted to be sacrificed at a forced sale, but a fraction of its real value will be obtained, and of course the State will be greatly the loser. I would, therefore, recommend that measures be at once adopted to enjoin these proceedings, and to secure the entire right of the State in the premises.

By the former sales of this description of property, little or nothing has been received by the State, and in fact, none of the conditions required by the water lot bills heretofore passed, have been fully complied with on the part of the city of San Francisco. A repetition of these sales will be but a continuation of the means by which California has been deprived of so much valuable property, and prompt measures should therefore be taken to arrest them before it becomes so inextricably involved as to place it beyond the reach of the State, without a resort to ruinous litigations.

JOHN BIGLER.

Mr. Redding of Trinity, gave notice that he would, on to-morrow, move to amend the rule of this House in relation to the hours of meeting.

Mr. Herbert moved to reconsider the vote, by which the Governor's message, just read, was referred to the Judiciary Committee.

On which the ayes and nays were demanded by Messrs. Oliver, Herbert and Robinson, and the House reconsidered by the following vote:

AYES.

Messrs. Brush,
Ewing,
Garfield,
Herbert,
Hoff,
Hunt,
Johnson,
Kittredge,
Leake,
Mandeville,

Messrs. Meredith,
McKamy,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Redding,
Thomas,
Yeiser—20.

NAYS.

Messrs. Canney,	Messrs. Knight,
Carpentier,	Letcher,
Covarrubias,	Martin,
Estep,	McGarry,
Flower,	Proctor,
Harrison,	Reading,
Heydenfeldt,	Robinson,
Huse,	Rogers,
Irwin,	Wells—18.

Mr. Garfield moved to amend the original by referring the message to the Committee on Ways and Means.

Which was not agreed to.

The question was then taken, on again referring to the Judiciary Committee and lost.

Mr. Herbert then moved that it be referred to a special committee of five.

Which was agreed to, and the chair appointed Messrs. Herbert, Johnson, Heydenfeldt, Myres and Garfield as such committee.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, April 19, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were found absent:

Messrs. Blake, Carhart, Carpentier, Covarrubias, Gardner, Garfield, Heydenfeldt, Knight, Reading of Trinity, Smith, Thomas, Tilghman, and Yeiser.

The Journal of Monday last was read and approved.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Senate bill for An Act to amend an Act entitled an Act concerning Toll Bridges, with a recommendation that it be passed.

The report was adopted, and the bill laid on the table.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act to amend an Act entitled an Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento Valley, approved April 28, 1852, with a recommendation that it be passed.

The report was adopted, when Mr. Redding of Yuba, moved to lay the report on the table.

Which was not agreed to.

Mr. Martin moved that the bill be considered now.

On which the ayes and nays were demanded, and the House refused to suspend the rules and consider the bill by the following vote:

AYES.

Messrs. Canney,
Crenshaw,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Irwin,
Johnson,
Letcher,
Mandeville,
Martin,

Messrs. McCandless,
McFarland,
McGarry,
Moore,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Wells,
Yeiser—28.

NAYS.

Messrs. Brush,
Cardozo,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Kittredge,

Messrs. Meredith,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Wing—14.

Mr. Heydenfeldt moved that the bill be ordered engrossed.

Which was agreed to.

Mr. Johnson asked to be excused from serving on the select committee to whom was referred the special message of the Governor, relating to certain water lots advertised to be sold on the 29th of April, 1853, by the sheriff of the county San Francisco.

Which was granted.

And the chair appointed Mr. Leake in place of Mr. Johnson.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to provide for the payment of certain persons therein named for work done and material furnished.

And the report was adopted.

Mr. McFarland submitted the following report, which was read, and adopted. (Relative to the reports of the several State Hospitals, see Appendix, No. 51.)

Assembly bill for An Act to provide for the indigent sick, was then read a first and second time, when

Mr. McMeans moved that the House go into committee of the whole on the consideration of the bill.

On which the ayes and nays were demanded, and the House refused to go into committee, by the following vote :

AYES.

Messrs. Blake,
Brush,
Estep,
Ewing,
Fairfax,
Harrison,
Hoff,
Hunt,
Kittredge,

Messrs. Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Wing—18.

NAYS.

Messrs. Bostwick,
Canney,
Cardozo,
Crenshaw,

Messrs. McCandless,
McGarry,
McMahon,
Moore,

Messrs. Flower,
Hally,
Herbert,
Huse,
Irwin,
Johnson,
Knight,
Letcher,

Messrs. Oliver,
Proctor,
Robinson,
Rogers,
Saunders,
Sime,
Wells,
Yeiser—24.

Mr. McFarland moved that the bill be laid on the table and made the special order for Friday next, April 22, at 12 o'clock, M.,

Which was agreed to.

Mr. McCandless submitted a resolution to appoint a select committee of three to examine the affairs and condition of the State Marine Hospital, and to report thereon to this House.

Mr. Wells submitted as an amendment to the resolution to strike out "select committee of three," and insert "Committee on State Hospitals."

On which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Bostwick,
Harrison,
Letcher,
Mandeville.

Messrs. Martin,
Myres,
Owen,
Wells—8.

NAYS.

Messrs. Blake,
Brush,
Canney,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Garfield,
Hally,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Kittredge,
Knight,

Messrs. Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
McMeans,
Moore,
Oliver,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Wing,
Yeiser—34.

The question then being on the adoption of the original resolution.

On which the ayes and nays were demanded, it was adopted by the following vote :

AYES.

Messrs. Blake,
Brush,
Canney,
Cardozo,
Ewing,
Fairfax,
Flower,
Hally,
Hoff,
Irwin,
Johnson,
Kittredge,
Knight,
Leake,
Meredith,

Messrs. McCandless,
McGarry,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Wells,
Yeiser—29.

NAYS.

Messrs. Bostwick,
Crenshaw,
Estep,
Garfield,
Harrison,
Hunt,
Huse,
Letcher,

Messrs. Mandeville,
Martin,
McFarland,
McKamy,
McMeans,
Owen,
Wing—15.

The Chair then appointed as the committee, Messrs. McCandless, Fairfax, and Proctor.

Mr. McMeans submitted a resolution requiring the Treasurer and Comptroller of State to inform Assembly in relation to the money received into the Treasury under the Act of March 26, 1851, providing for the disposition of certain property of the State of California.

Which was read and adopted.

On motion of Mr. McFarland, the committee appointed to visit the State Marine Hospital, was ordered to report on Friday next.

Mr. McFarland submitted the following resolution, which was read and adopted :

Resolved, That a committee of three be appointed to ascertain what interest the State of California has in the entire water lot property of the city of San Francisco and that they be instructed to report to this House as early as possible.

The Chair appointed as such committee, Messrs. McFarland, Flower and Leake.

On motion of Mr. Leake, Mr. Myres was added to the committee, and the committee instructed to report to this House on Saturday next.

A message was received from the Governor, informing the Assembly

that he had this day approved An Act to provide for the payment of certain persons therein named, for work done and materials furnished ;

Also, An Act concerning Roads and Highways.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they did this day present to the Governor for his approval, An Act to provide for the payment of certain persons therein named, for work done and materials furnished.

And the report was adopted.

On motion of Mr. Owen, Assembly bill for An Act to provide for the Incorporation of Wagon Road Companies, as amended by the Senate, was taken from the table, and the Senate amendments concurred in.

On motion of Mr. Blake, Assembly bill for An Act for the Measurement of Lumber, was taken up, and made the special order for Tuesday next, April 25, 1853, at 12 o'clock, M.

On motion of Mr. Proctor, Mr. Heydenfeldt was granted leave of absence for one week.

On motion of Mr. Garfield, the House went into committee of the whole, (Mr. Myres in the chair,) on the consideration of Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy, certain lands in the City of Benicia, and having made some progress thereon, the committee rose and reported the same, and asked leave to sit again.

Which was granted.

And the House, at 1 o'clock, P. M., took a recess until 3 o'clock.

The House re-assembled at 3 o'clock.

On motion of Mr. Crenshaw, the House again went into committee of the whole. (Mr. Myres in the chair,) on the consideration of Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy, certain lands in the City of Benicia, and having considered the same, the committee rose and reported the bill back to the House with amendments, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. Garfield, the amendments were then concurred in generally.

Mr. Brush moved to amend the first section of the bill, by adding at the end of the section the following :

" Provided, That the said Steamship Company, their agents and assign, shall always pay to the State of California, the taxes and assessments imposed upon their property within this State ; otherwise this Act shall be void."

On the adoption of which, the ayes and nays were demanded.

And the amendment was lost by the following vote :

AYES.

Messrs. Brush,
Canney,
Carpentier,
Ewing,
Hunt,
Kittredge,
Leake,

Messrs. Meredith,
McKamy,
McMeans,
Oliver,
Rogers,
Thomas—13.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Garfield,
Hally,
Harrison,
Hoff,
Huse,
Johnson,
Knight,
Letcher,

Messrs. Mandeville,
Martin,
McFarland,
McGarry,
Myres,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Smith,
Wells,
Wing,
Yeiser—28.

Mr. Brush moved the following as an amendment:—

Amend section three by striking out the State officers, as the Board of Commissioners, and insert, "That the said Board of Commissioners shall consist of three persons, appointed by the Governor, by and with the advice and consent of the Senate, who shall each take an oath that he is not, nor will he be in any wise, interested in such property or the proceeds thereof."

On the adoption of which, the ayes and nays were demanded.
And the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Canney,
Ewing,
Hally,
Hunt,
Kittredge,
Leake,

Messrs. Meredith,
McKamy,
McMeans,
Oliver,
Robinson,
Rogers,
Wing—14.

NAYS.

Messrs. Blake,
Bostwick,
Carpentier,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Garfield,
Harrison,
Hoff,
Huse,
Johnson,
Knight,
Letcher,

Messrs. Mandeville,
McCandless,
McFarland,
McGarry,
Moore,
Owen,
Proctor,
Redding,
Sime,
Smith,
Thomas,
Wells,
Yeiser—27.

Mr. Brush then moved to strike out all after the word "Act," in third section of the bill, and insert, "cause to be sold at public auction to the highest bidder, all the above described property, after having first given thirty days notice in three public papers in the city of San Francisco."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Canney,
Hunt,
Kittredge,

Messrs. Meredith,
McFarland,
Oliver,
Rogers—8.

NAYS.

Messrs. Blake,
Bostwick,
Carpentier,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Garfield,
Hally,
Harrison,
Hoff,
Huse,
Johnson,
Knight,
Leake,
Letcher,
Mandeville,

Messrs. Martin,
McCandless,
McKamy,
McMahon,
McMeans,
Moore,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Smith,
Thomas,
Wells,
Wing,
Yeiser—33.

Mr. Oliver moved to amend the third section, by inserting the words, "which shall not be less than \$22,738 18."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote :

AYES.

Messrs. Brush,
Canney,
Carpentier,
Fairfax,
Hunt,
Kittredge,

Messrs. Meredith,
McFarland,
Oliver,
Reading,
Rogers,
Thomas—12.

NAYS.

Messrs. Blake,	Messrs. Mandeville,
Bostwick,	Martin,
Cardozo,	McKamy,
Crenshaw,	McMahon,
Estep,	McMeans,
Ewing,	Moore,
Garfield,	Owen,
Hally,	Proctor,
Harrison,	Redding,
Hoff,	Robinson,
Huse,	Sime,
Johnson,	Smith,
Knight,	Wells,
Leake,	Wing—29.
Letcher,	

Mr. Fairfax moved to amend the bill by adding, after the last word in section three, the following words :

"And provided, That the Commissioners herein mentioned shall, prior to entering upon the duties herein prescribed, make oath before some person authorized to administer oaths, that they are not, nor will not be interested in any way in the property described in this Act."

Which was read and adopted.

Mr. Redding, of Yuba, moved as an amendment, to strike out in second section, line fourth, all after the word "Company."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote :

AYES.

Messrs. Brush,
Canney,
Carpentier,

Messrs. Leake,
McFarland,
McMahon,

Messrs. Fairfax,
Harrison,
Herbert,
Hunt,
Kittredge,

Messrs. Moore,
Oliver,
Redding,
Smith,
Thomas—16.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Estep,
Ewing,
Garfield,
Hally,
Hoff,
Huse,
Johnson,
Knight,
Letcher,

Messrs. Mandeville
Martin,
McKamy,
McMeans,
Owen,
Reading,
Robinson,
Rogers,
Sime,
Wells,
Wing,
Yeiser—24.

Mr. Brush moved the following, as an amendment :

“Section 6. Nothing in this Act contained shall be so construed as to permit the said company, their successors or assigns to make any other use or disposition of said property than may be necessary in prosecuting the business for which said company is incorporated.”

On the adoption of which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Brush,
Canney,
Herbert,
Hunt,
Kittredge,
Leake,

Messrs. Mandeville,
McFarland,
McMahon,
Oliver,
Rogers—11.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Estep,
Fairfax,
Garfield,
Hally,
Harrison,

Messrs. McKamy,
McMeans,
Moore,
Owen,
Proctor,
Reading,
Redding,
Robinson,

Messrs. Hoff,
Huse,
Johnson,
Knight,
Letcher,
Martin,
McGarry,

Messrs. Sime,
Smith,
Thomas,
Wells,
Wing,
Yeiser—29.

Messrs. Garfield and Herbert at this time having risen from their seats, each claimed the floor.

The chair decided that Mr. Herbert was entitled to the floor.

Mr. Garfield appealed from the decision, and on the question, "Shall the decision of the Chair stand as the decision of this House?"

The ayes and nays were demanded, and the House refused to sustain the decision by the following vote :

AYES.

Messrs. Brush,
Carpentier,
Herbert,
Hunt,
Irwin,
Kittredge,
Leake,
Mandeville,

Messrs. Meredith,
McMahon,
McMeans,
Moore,
Myres,
Redding,
Rogers—15.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Estep,
Fairfax,
Garfield,
Hally,
Harrison,
Hoff,
Huse,
Johnson,
Knight,

Messrs. Letcher,
Martin,
McFarland,
McKamy,
Owen,
Proctor,
Reading,
Robinson,
Sime,
Wing,
Yeiser—23.

Mr. Herbert moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote :

AYES.

Messrs. Brush,
Canney,
Carpentier,

Messrs. Meredith,
McMahon,
McMeans,

Messrs. Herbert,
Hunt,
Irwin,
Kittredge,
Leake,
Mandeville,

Messrs. Moore,
Oliver,
Rogers,
Smith,
Wells—17.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Estep,
Fairfax,
Garfield,
Hally,
Harrison,
Hoff,
Huse,
Johnson,
Knight,
Letcher,

Messrs. Martin,
McFarland,
McKamy,
Myres,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Thomas,
Wing,
Yeiser—26.

Mr. Brush moved that the bill be read a third time now.

Mr. Cardozo moved the previous question.

Mr. Herbert moved to lay the motion for the previous question on the table.

Mr. Johnson rose to a point of order—that the House could not entertain a motion to lay a motion for the previous question, on the table.

The Chair decided the motion to lay the motion for the previous question on the table to be in order.

Mr. Johnson appealed from the decision, and on the question "Shall the decision of the Chair stand as the opinion of the House?"

The ayes and nays were demanded, and the decision was sustained by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Carpentier,
Cardozo,
Fairfax,
Garfield,
Hally,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,

Messrs. Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Reading,
Redding,
Rogers,
Thomas,

Messrs. Irwin,
Kittredge,
Leake,

Messrs. Wells,
Yeiser—29.

NAYS.

Messrs. Estep,
Johnson,
Letcher,
Moore,
Owen,

Messrs. Proctor,
Robinson,
Sime,
Wing—9.

Mr. Wells then moved to adjourn.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Brush,
Canney,
Carpentier,
Hunt,
Irwin,
Johnson,
Kittredge,
Leake,
Mardeville,
Meredith,

Messrs. McKamy,
McMeans,
Moore,
Oliver,
Proctor,
Robinson,
Rogers,
Wells,
Wing—19.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Garfield,
Hally,
Harrison,
Herbert,
Hoff,

Messrs. Huse,
Letcher,
Martin,
McFarland,
Myres,
Owen,
Reading,
Redding,
Sime,
Thomas,
Yeiser—23.

The question then recurring on the motion of Mr. Herbert, to lay the motion for the previous question on the table, on which the ayes and nays were demanded.

The motion was lost by the following vote :

AYES.

Messrs. Brush,
Canney,
Herbert,
Hunt,
Kittredge,

Messrs. Leake,
Meredith,
Myres,
Oliver,
Rogers—10.

NAYS.

Messrs. Blake,
Bostwick,
Carpentier,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Garfield,
Hally,
Harrison,
Hoff,
Huse,
Irwin,
Johnson,
Letcher,

Messrs. Mandeville,
Martin,
McFarland,
McKamy,
McMeans,
Moore,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Thomas,
Wells,
Yeiser—31.

Mr. Herbert moved a call of the House.

On which motion the ayes and nays were demanded, and the House refused to sustain the call, by the following vote :

AYES.

Messrs. Brush,
Canney,
Carpentier,
Cardozo,
Herbert,
Hoff,
Irwin,
Johnson,
Leake,

Messrs. Mandeville,
Martin,
Meredith,
McMahon,
McMeans,
Oliver,
Redding,
Thomas—17.

NAYS.

Messrs. Blake,
Bostwick,
Conness,
Crenshaw,
Estep,

Messrs. Huse,
Kittredge,
Letcher,
McFarland,
McKamy,

Messrs. Ewing,
Fairfax,
Flower,
Garfield,
Hally,
Harrison,
Hunt,

Messrs. Myres,
Owen,
Proctor,
Reading,
Robinson,
Sime,
Wells—24.

Mr. Carpentier moved to adjourn.

On which the ayes and nays were demanded, and the House adjourned by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Canney,
Carpentier,
Ewing,
Garfield,
Harrison,
Herbert,
Hunt,
Irwin,
Johnson,
Kittredge,
Leake,
Mandeville,
Meredith,

Messrs. McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Proctor,
Reading,
Robinson,
Rogers,
Sime,
Thomas,
Wells,
Yeiser—29.

NAYS.

Messrs. Blake,
Conness,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Flower,
Hally,

Messrs. Hoff,
Huse,
Knight,
Letcher,
Martin,
Owen,
Redding—15.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 20, 1853.

The House met pursuant to adjournment.

The Hon. Mr. Wall, Speaker, in the chair.

The roll was called by the Clerk, and the following members were absent :
Messrs. Carhart, Gardner, Herbert, Saunders, Walker and Yeiser.

On motion of Mr. Irwin, leave of absence was granted to Mr. Thomas for four days.

Mr. Conness presented the petition of citizens of the City of Monterey, praying for amendments to the Charter of that city.

Which was read, and referred to the Committee on Corporations.

Mr. McMeans submitted the following report, which was read and concurred in :

Mr. Speaker :

The committee of conference, who were appointed on the part of the Assembly to meet a similar committee from the Senate, and confer with them on the disagreeing vote of the two Houses on Senate bill No. 129, to be entitled An Act in relation to the Interest on the Funded Debt of 1852, have performed that duty, and beg leave to report :

That the two committees have agreed to sustain the House amendments, with the accompanying amendment, and respectfully recommend its adoption and the passage of the bill: strike out "on demand," in eleventh line, first section.

S. A. McMEANS,
Chairman.

Mr. Cardozo, on leave, introduced a bill for An Act concerning Conveyances of Real Estate.

Which was read twice, and referred to the Judiciary Committee.

Mr. Conness, on leave, introduced a bill for An Act to Incorporate the City of Monterey.

Which was read twice, and referred to the Committee on Corporations.

Mr. Smith presented the memorial of certain citizens of Contra Costa County, remonstrating against changing the name of said county and the creation of a new county.

Which was read, and referred to a select committee of five.

The Chair appointed as such committee, Messrs. Kittredge, Redding, of Yuba, Crenshaw, Johnson and Conness.

Mr. Ewing, from the Committee on Counties and County Boundaries, reported back Assembly bill for An Act to change the name of Contra

Costa County and to create a new county to be called Contra Costa, without amendment, and recommended that the bill be passed.

The report was laid on the table, and the bill referred to the above-mentioned select committee.

On motion of Mr. Hally, Assembly bill for An Act for the protection of persons who may settle upon Private Lands in this State, was taken from the table, and referred to the select committee to whom was referred the subject of the Settlement of the Tulé Lands.

Mr. Cardozo, on leave, introduced a bill for An Act for the relief of David W. Jenkins.

Which was read a first time and laid over, under the rules.

The following message was received from the Senate :

Mr. Speaker:

The Senate this day appointed Messrs. Lott, Foster and Coffroth as a committee of conference on the disagreeing vote of the two Houses, upon Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act passed April 22, 1850; and appointed Messrs. Hubbs, Crabb and Ralston as a committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act in relation to the interest on the the Funded Debt of 1852.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 19, 1853.

On motion of Mr. McMeans, the House went into committee of the whole, (Mr. Robinson in the chair,) on the consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, and having made some progress thereon, the Committee rose and reported the same to the House, and asked leave to sit again.

Which was granted.

The hour of 1 o'clock, P. M., having arrived, the House took a recess until 3 o'clock, P. M.

The House reassembled at 3 o'clock, P. M.

Mr. Garfield moved that Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State, made the special order for this day, be laid over, for the purpose of taking up Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote.

AYES.

Messrs. Blake,
Bostwick,
Conness,
Covarrubias,
Crenshaw,
Estep,
Garfield,
Hally,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Letcher,

Messrs. Martin,
McGarry,
McKenny,
McMeans,
Ower,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Smith,
Wells,
Wing,
Speaker—28.

NAYS.

Messrs. Brush,
Canney,
Carpentier,
Ewing,
Kittredge,

Messrs. Myres,
Oliver,
Redding,
Rogers,
Yeiser—10.

Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia, was then taken up.

Mr. Garfield moved that the bill be read a third time now, with a view of putting it upon its final passage.

Mr. Canney moved, as an amendment, to add as a proviso the following words: "This Act shall not be in force until the Governor shall ratify the action and decision of the Board of Commissioners, appointed under the provisions of this Act."

Mr. Owen moved the previous question, and on the question, "Shall the main question now be put?"

The ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Gardner,
Garfield,

Messrs. Hally,
Hoff,
Huse,
Knight,
Letcher,
Martin,
McKamy,
Owen,
Proctor,
Wing—20.

NAYS.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Fairfax,
Flower,
Herbert,
Hunt,
Johnson,
Kittredge,
Mandeville,
McCandless,
McGarry,

Messrs. McMeans,
Moore,
Myres,
Oliver,
Reading,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Wells,
Yeiser,
Speaker—26.

The question then recurring on the amendment submitted by Mr. Canney—

On which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Bell,
Brush,
Canney,
Herbert,
Hunt,

Messrs. Kittredge,
Mandeville,
McKamy,
Oliver,
Rogers—10.

NAYS.

Messrs. Blake,
Bostwick,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Hoff,
Huse,
Johnson,
Knight,

Messrs. Letcher,
Martin,
McCandless,
McGarry,
McMeans,
Moore,
Myres,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Wells,
Wing,
Yeiser,
Speaker—36.

Mr. Herbert submitted the following, as an amendment to section first :

Provided, The said property shall not include more than one hundred and fifty varas running up and down the shore, and the extension shall not exceed one hundred and fifty feet into the straits.

Mr. Hally moved the previous question, and on the question "Shall the main question now be put?"

The ayes and nays were demanded, and the previous question was sustained by the following vote:

AYES.

Messrs. Blake,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Gardner,
Garfield,
Hally,
Hoff,

Messrs. Huse,
Knight,
Letcher,
Mandeville,
McCandless,
McKamy,
Owen,
Proctor,
Reading,
Saunders,
Sime,
Yeiser—24.

NAYS.

Messrs. Johnson,
McGarry,
McMeans,
Redding,

Messrs. Robinson,
Smith,
Wells,
Speaker—8.

The question then recurring on the amendment submitted by Mr. Herbert—

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bell,
Ewing,

Messrs. Leake,
McMahon—4.

NAYS.

Messrs. Blake,
Bostwick,
Carpentier,
Conness,
Cardozo,
Covarrubias,

Messrs. Mandeville,
McCandless,
McGarry,
McKamy,
McMeans,
Moore,

Messrs. Crenshaw,
 Estep,
 Fairfax,
 Gardner,
 Garfield,
 Hally,
 Hoff,
 Huse,
 Johnson,
 Knight,
 Letcher,

Messrs. Owen,
 Proctor,
 Reading,
 Redding,
 Robinson,
 Saunders,
 Sime,
 Wing,
 Yeiser,
 Speaker—33.

The Speaker then stated that the previous question having been sustained, the main question was the third reading of the bill.

Mr. Herbert appealed from the decision, and on the question, "Shall the decision of the Chair stand as the opinion of the House?"

The ayes and nays were demanded, and the decision was sustained by the following vote :

Messrs. Blake,
 Bostwick,
 Brush,
 Carpentier,
 Conness,
 Cardozo,
 Covarrubias,
 Crenshaw,
 Estep,
 Ewing,
 Fairfax,
 Gardner,
 Garfield,
 Hally,
 Hoff,
 Hunt,
 Huse,

Messrs. Kittredge,
 Knight,
 Letcher,
 Mandeville,
 McCandless,
 McGarry,
 McKamy,
 McMahon,
 McMeans,
 Oliver,
 Owen,
 Proctor,
 Reading,
 Robinson,
 Sime,
 Wing,
 Yeiser—34.

NAYS.

Messrs. Bell,
 Canney,
 Herbert,
 Johnson,
 Leake,

Messrs. Moore,
 Redding,
 Rogers,
 Saunders,
 Wells—10.

The question then being, "Shall the bill be now read a third time?" On which the ayes and nays were demanded, and the bill was ordered to a third reading by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Hoff,

Messrs. Huse,
Johnson,
Knight,
Letcher,
Mandeville,
McGarry,
McKamy,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Smith,
Wing—29.

NAYS.

Messrs. Bell,
Brush,
Canney,
Herbert,
Hunt,
Irwin,
Kittredge,
Leake,
McFarland,

Messrs. McMahan,
McMeans,
Moore,
Oliver,
Rogers,
Saunders,
Sime,
Wells,
Speaker—18.

The bill was then read a third time.

Mr. McCandless moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote :

AYES.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Herbert,
Kittredge,
Leake,
Mereuith,
McCandless,
McGarry,

Messrs. McMahan,
McMeans,
Oliver,
Proctor,
Rogers,
Saunders,
Smith,
Wells,
Yeiser,
Speaker—20.

NAYS.

Messrs. Blake,
Bostwick,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Gardner,
Hally,
Hoff,
Hunt,
Huse,

Messrs. Irwin,
Johnson,
Knight,
Letcher,
Mandeville,
McFarland,
McKamy,
Owen,
Reading,
Redding,
Robinson,
Sime,
Wing—26.

The Speaker then stated the question to be, "Shall the bill now be passed?"

Mr. Conness moved the previous question, and on the question, "Shall the main question now be put?"

The ayes and nays were demanded, and the motion was sustained by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Gardner,
Garfield,
Hally,
Hoff,

Messrs. Huse,
Johnson,
Letcher,
Mandeville,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Smith,
Wing—25.

NAYS.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Flower,
Herbert,
Hunt,
Kittredge,
Leake,

Messrs. Meredith,
McFarland,
McGarry,
McMeaus,
Moore,
Oliver,
Rogers,
Wells,
Speaker—18.

The main question was then put, and on the question, " Shall the bill now be passed ?"

The ayes and nays were demanded, and the bill was passed by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Conness,
Cardozo,
Covarrubias,
Creashaw,
Estep,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Harrison,
Hox,

Messrs. Huse,
Johnson,
Knight,
Letcher,
Mandeville,
McGarry,
McMeans,
Moore,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Smith—28.

NAYS.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Ewing,
Herbert,
Hunt,
Kittredge,

Messrs. Meredith,
McFarland,
McKamy,
Myres,
Oliver,
Rogers,
Sime,
Speaker—16.

Mr. Bostwick submitted the following report :

Mr. Speaker:

The Joint Committee on Enrollment report that,
They have this day examined and found correctly enrolled, An Act to provide for the Incorporation of Wagon Road Companies.

JOHN H. BOSTWICK,
Assembly Committee.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 21, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Irwin, Martin Moore, Reading of Trinity, Wing and Yeiser.

On motion of Mr. Thomas, leave of absence was granted for one day to Mr. Irwin.

The Journals of Tuesday and Wednesday last were read and approved.

Mr. Sime moved that Mr. Taylor, one of the members elect from San Francisco, be requested to come forward, be sworn, and take his seat as a member of this House.

Which was agreed to.

And Mr. Taylor then came forward, presented his certificate of election, was sworn, and took his seat as a member of this House.

Mr. Fairfax presented the memorial of the Common Council of the city of Marysville, relating to certain amendments to the charter of that city.

Which was read, and referred to the Committee on Corporations.

Mr. Fairfax also presented the petition of citizens of the city of Marysville praying for certain amendments to the charter of that city.

Which was read, and referred to the Committee on Corporations.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act concerning Roads and Highways, without recommendation.

The report was adopted, and the bill laid on the table, and ordered to be printed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento valley, approved April 28, 1852, and the report was adopted.

The bill was then taken up, read a third time, and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to provide for the incorporation of Railroad Companies, and the report was adopted.

Mr. Flower, from the San Francisco delegation, reported back Assembly bill for An Act to provide for the more perfect indexing and classifying of the Land Records of the county of San Francisco; also, An Act to provide for the more perfect indexing and classification of the Land Records of the city and county of San Francisco, with a substitute and recommended its adoption.

The report was adopted, and the substitute, with the bills, was laid on the table.

A message was received from the Senate, informing the Assembly that they did, on the 18th instant, pass an Act to amend the fourteenth section of an Act concerning the office of County Treasurer, passed March 27, 1850;

Also, An Act concerning Notaries Public;

And Assembly bill for an Act to provide for the erection of a Jail in Sacramento county.

Senate bill for An Act to amend the fourteenth section of an Act concerning the office of County Treasurers, passed March 27, 1850, was then read a first time, and laid over under the rules.

Senate bill for An Act concerning Notaries Public, was then read twice, and referred to the Judiciary Committee.

Senate bill for An Act to amend an Act entitled an Act to establish a standard of Weights and Measures, passed March 30, 1850, was then taken up, and referred to the Committee on Commerce.

Assembly bill for An Act for the relief of David W. Jenkins, was then taken up, read a second time, and referred to the Committee on Claims.

Mr. Bostwick presented a communication from A. G. Kimball, tendering his resignation as Enrolling Clerk of this House; which was read, and accepted.

Mr. Bostwick moved that the House now proceed to elect an Enrolling Clerk in place of Mr. Kimball; which was agreed to.

Mr. Bostwick nominated R. H. Dearing.

The House then proceeded to elect an Enrolling Clerk. Whole number of votes, 42; Necessary to a choice, 22.

Those who voted for Mr. Dearing were:

Messrs. Bell, Blake, Bostwick, Canney, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Hoff, Hunt, Huse, Johnson, Leake, Letcher, Mandeville, McFarland, McGarry, McKamy, McMeans, Oliver, Owen, Proctor, Robinson, Rogers, Saunders, Sime, Smith, Taylor, Thomas, Tilghman, Walker, Wells, and Mr. Speaker—42.

Mr. Dearing having received a majority of all the votes cast, was declared duly elected.

Mr. Dearing came forward, was sworn by the Speaker, and entered upon his duties.

Mr. Owen, on leave, introduced a bill for An Act in relation to the division of Counties and the removal of County Seats.

Which was read a first time, and laid over under the rules.

Mr. Fairfax, on leave, introduced a bill for An Act to amend an Act entitled an Act to establish a system of Common Schools.

Which was read twice, and referred to the Committee on Education.

On motion of Mr. McMeans, Assembly bill for An Act to suppress gambling, made the special order for this day, was taken up, and laid on the table.

On motion of Mr. McMeans, the House then went into committee of the whole (Mr. Mandeville in the chair,) on the consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for the levying,

assessing, and collecting public revenue, approved April 23d, 1852; and having made some progress thereon, the committee rose and reported the same, and asked leave to sit again, which was granted.

The hour of one o'clock having arrived, the House took a recess until 3 o'clock.

The House re-assembled at 3 o'clock, P. M.

A message was received, informing the Assembly that the Senate concurred on the 20th instant in the report of the committee of conference, on the disagreeing vote of the two Houses upon Assembly bill for An Act in relation to the interest on the funded debt of 1852.

And passed, on the 19th instant, An Act supplemental to an Act to regulate Elections, passed March 23, 1850.

And passed this day a bill for An Act to extend and better define the powers and duties of the City Council of the city of Sacramento, to authorize the establishment of free schools in said city, as a substitute to Assembly bills Nos. 164 and 179.

Senate bill for An Act to extend and to better define the powers and duties of the City Council of the city of Sacramento, and to authorize the establishment of free schools in said city, was then taken up, read twice, the rules suspended; it was then read a third time and passed.

Senate bill for An Act supplemental to an Act to regulate Elections, passed March 23, 1850, was then read a first time, and laid over under the rules.

Mr. Carpentier, on leave, introduced a bill for An Act to amend an Act to create the county of Alameda, and establish the seat of Justice therein, to define its boundaries, and provide for its organization.

Which was read twice, and referred to the select committee on that subject appointed on yesterday.

On motion of Mr. Conness, Assembly bill for An Act for the relief of Calvin Valpey, was taken from the table, and the House went into committee of whole, (Mr. Redding of Yuba in the chair,) on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House, with an amendment, recommended the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The House then concurred in the amendment, and the bill was read a third time and passed.

On motion of Mr. Yeiser, Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18th, 1851, was taken from the table, and referred to the committee of the whole House.

Mr. Robinson moved that the House now go into committee of the whole on the bill.

Which was not agreed to.

Mr. Conness moved to reconsider the vote by which the House refused to go into committee of the whole.

On which the ayes and nays were demanded, and the vote was reconsidered by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Canney,
Conness,
Ewing,
Fairfax,
Garfield,
Hally,
Hoff,
Hunt,
Huse,

Messrs. Kittredge,
Leake,
Letcher,
McFarland,
McGarry,
McMeans,
Moore,
Oliver,
Thomas,
Tilghman,
Wells,
Yeiser—24.

NAYS.

Messrs. Carpentier,
Cardozo,
Crenshaw,
Estep,
Flower,
Gardner,
Johnson,
Knight,

Messrs. McKamy,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Speaker—16.

On motion of Mr. Canney, the House then went into committee of the whole (Mr. Taylor in the chair) on the consideration of the bill; and having considered the same, the committee rose, reported the bill back with amendments, recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments were then concurred in, and the bill read a third time and passed.

Mr. Johnson submitted the following report, which was read, and, with the accompanying papers, laid on the table :

*To the Honorable the Assembly
of the State of California :*

The Select Committee, to whom was referred the bill entitled An Act to change the name of Contra Costa County, and to create a new county to be called Contra Costa; also,

An Act to amend an Act to create the county of Alameda and establish

the Seat of Justice therein, to define its boundaries and provide for its organization ;

Together with sundry accompanying petitions, etc. :

Would respectfully report back the first mentioned bill, and recommend its indefinite postponement.

Also report back the amendatory Act, so amended as to designate the elections therein mentioned, on the third Monday of May, and, as amended, recommend its passage.

All of which is respectfully submitted.

F. M. KITTREDGE, Chairman ;
J. CONNESS,
B. B. REDDING,
J. NEELY JOHNSON.

Mr. Leake gave notice that he would, on to-morrow, move to reconsider the vote by which the House passed, on the 20th instant, Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use, and occupy certain lands in the city of Benicia.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 22, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were found absent :

Messrs. Bell, Carhart, Covarrubias, Fairfax, Gardner, Garfield, Hally, Irwin, Leake, Martin, Meredith, McMeans, Moore, Redding of Yuba, Smith, Thomas and Yeiser.

On motion, leave of absence was granted to Mr. McCandless for one week, and to Messrs. Irwin and Thomas two days each.

Mr. Kittredge presented the petition of certain citizens of Santa Cruz County, praying for a reduction of the salary of the County Judge of that county.

Which was read, and laid on the table.

Mr. Owen, from the Committee on Corporations, reported back Assem-

bly bill for An Act supplementary to the Act incorporating the City of Marysville, with an amendment, as a substitute for all after the enacting clause.

On motion of Mr. Redding of Yuba, the House then went into consideration of the bill.

The amendment was then adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Cardozo, from the Committee on Commerce, reported back Senate bill for An Act to amend an Act entitled an Act to establish a standard of Weights and Measures, passed March 30, 1850, without amendment, and recommended that the bill be passed.

The report was adopted, and the bill was then read a third time, and passed.

Mr. Blake submitted a resolution rescinding the rule whereby this House holds two daily sessions.

Mr. Conness moved that the resolution be laid on the table.

On which the ayes and nays were demanded.

And the motion to lay on the table was lost by a tie vote :

AYES.

Messrs. Bostwick,
Conness,
Crenshaw,
Estep,
Ewing,
Garfield,
Hally,
Harrison,
Herbert,
Hunt,
Huse,
Kittredge,

Messrs. Knight,
Letcher,
Mandeville,
McFarland,
McMahon,
Owen,
Robinson,
Sime,
Taylor,
Wells,
Speaker—23.

NAYS.

Messrs. Blake,
Canney,
Carpentier,
Cardozo,
Flower,
Gardner,
Hoff,
Johnson,
Leake,
McGarry,
McKamy,
McMeans,

Messrs. Moore,
Myres,
Proctor,
Reading,
Redding,
Rogers,
Saunders,
Tilghman,
Walker,
Wing,
Yeiser—23.

The question then recurring on the adoption of the resolution, the ayes and nays were demanded.

And the resolution was lost by the following vote :

AYES.

Messrs. Blake,
Canney,
Carpentier,
Cardozo,
Flower,
Gardner,
Johnson,
Leake,
Meredith,
McGarry,
McMeans,

Messrs. Moore,
Myres,
Proctor,
Reading,
Rogers,
Saunders,
Smith,
Tilghman,
Walker,
Wing,
Yeiser—22.

NAYS.

Messrs. Bostwick,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Garfield,
Hally,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Kittredge,

Messrs. Knight,
Letcher,
Mandeville,
McFarland,
McKamy,
McMahon,
Oliver,
Owen,
Redding,
Robinson,
Sime,
Taylor,
Wells,
Speaker—28.

Mr. Garfield, on leave, introduced a Joint Resolution instructing the Secretary of State to furnish F. A. Snyder with two copies of the Statutes of each of the preceding sessions of the Legislature.

Which was read a first time, the rules suspended, it was then read a second time, the rules were then further suspended, and the resolution was read a third time and passed.

Mr. Canney gave notice that he would, on to-morrow, move to amend the rule of this House whereby it holds two sessions daily.

Mr. Moore, from the Committee on State Prisons, submitted the following report, which was read and adopted :

Mr. Speaker :

The committee appointed to visit the State's Prison, and to report on its site and the condition and discipline of its inmates, respectfully submit :

That we consider the site most eligible for health, salubrity of climate, safety of prisoners, proximity and abundance of materials to furnish the inmates with appropriate occupation.

They found the Prison in most admirable condition, considering the limited facilities possessed at the present time. The prisoners enjoy excellent health, are comfortably clad, apparently under good discipline, cheerful, and express themselves well pleased with their general treatment.

They cannot too strongly urge the necessity that exists for the erection of a State's Prison of some description, at any rate such portion of it as will tend to the greater security of the prisoners. The ship in which the prisoners are at present confined, is totally inadequate for such purpose. But we refrain from recommending any particular plan, as the whole matter will shortly be fully presented for the consideration of this House, a bill having been introduced into the Senate embracing the entire subject.

PHIL. MOORE,

Chairman.

A message was received from the Senate, informing the Assembly that they passed, on yesterday, with an amendment, Assembly bill for An Act for dividing the County of Los Angeles, and making a new county therefrom to be called San Bernardino County.

The bill was then taken up by the House, and the Senate amendment concurred in.

Mr. Conness introduced a resolution prohibiting the introduction of any new business into this House, after the 28th day of April, 1853.

Mr. Rogers moved that the resolution be laid on the table.

On which the ayes and nays were demanded, and the House refused to lay on the table by the following vote :

AYES.

Messrs. Carpentier,
Crenshaw,
Herbert,
Johnson,
Leake,
Mandeville,
Meredith,

Messrs. McFarland,
McMahon,
Moore,
Proctor,
Reading,
Rogers,
Wing—14.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Canney,
Conness,
Cardozo,
Ewing,
Flower,
Gardner,
Garfield,
Hally,

Messrs. Letcher,
McGarry,
McKamy,
McMeans,
Oliver,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Smith,

Messrs. Harrison,
Hoff,
Hunt,
Huse,
Kittredge,
Knight,

Messrs. Taylor,
Tilghman,
Walker,
Wells,
Speaker—33.

Mr. Robinson submitted a resolution, as a substitute, "that no new business shall be introduced into this House after Wednesday next, without the consent of three-fourths of all the members present."

Which was read, and laid on the table.

The question then recurring on the adoption of the original resolution.

On which the ayes and nays were demanded, the resolution was lost by the following vote :

AYES.

Messrs. Bell,
Canney,
Conness,
Ewing,
Flower,
Gardner,
Garfield,
Harrison,
Hoff,
Hunt,

Messrs. Huse,
Letcher,
McGarry,
Oliver,
Owen,
Redding,
Sime,
Taylor,
Walker—19.

NAYS.

Messrs. Bostwick,
Brush,
Carpentier,
Cardozo,
Covarrubias,
Estep,
Hally,
Herbert,
Johnson,
Kittredge,
Knight,
Leake,
Mandeville

Messrs. Meredith,
McFarland,
McKamy,
McMahon,
Moore,
Proctor,
Reading,
Robinson,
Rogers,
Smith,
Tilghman,
Wells,
Wing—26.

Mr. Wells submitted the following resolution, which was read and adopted :

Resolved, That the Senate be respectfully requested to take action upon Assembly bill entitled An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

Mr. Leake submitted a resolution to appoint a committee of five to investigate the matters connected with the late election in the county of San Francisco for five members of Assembly.

Mr. Conness moved that the resolution be laid on the table.

Mr. Johnson moved a call of the House, which was sustained.

And on the roll being called, the following members were absent :

Messrs. Carhart, Fairfax, Leake, Martin, McMahon, Myres, Redding of Yuba, Yeiser and Mr. Speaker.

On motion of Mr. Wells, the Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Yeiser and Leake appeared, were admitted, excused, and took their seats.

The question then recurring on the motion to lay the resolution on the table.

The ayes and nays were demanded, and the House refused to lay on the table by the following vote :

AYES.

Messrs. Canney,
Conness,
Gardner,
Hally,
Huse,
Knight,
McFarland,
McGarry,

Messrs. Moore,
Reading,
Redding,
Smith,
Tilghman,
Wells,
Yeiser—15.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Johnson,

Messrs. Kittredge,
Leake,
Letcher,
Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Proctor,
Robinson,
Rogers,
Wing—29.

Mr. Bostwick moved that the resolution be indefinitely postponed.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Bostwick,
Canney,
Carpentier,
Conness,
Garfield,
Hally,
Hoff,
Huse,
Knight,
Letcher,
McFarland,

Messrs. McGarry,
Moore,
Myres,
Owen,
Proctor,
Reading,
Redding,
Smith,
Tilghman,
Wells—21.

NAYS.

Messrs. Bell,
Brush,
Cardozo,
Crenshaw,
Estep,
Ewing,
Harrison,
Hunt,
Johnson,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Robinson,
Rogers,
Walker,
Wing—20.

Mr. Wing, from the Committee on Engrossed Bills, reported as correctly engrossed An Act for the relief of Calvin Valpey ; also

An Act supplementary to the Act incorporating the city of Marysville, and the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to provide for the compilation and publication of the Laws of the State of California and the payment thereof ; and also

An Act to authorize the Board of Supervisors of Los Angeles county to levy a special tax for the erection of County Buildings ; also

An Act to provide for the erection of a Jail in Sacramento county, and the report was adopted.

Mr. Bostwick, from the same committee, reported that they had, this day, presented to the Governor for his approval, An Act to provide for the incorporation of Wagon Road Companies ; also

An Act to provide for the incorporation of Railroad Companies, and the report was adopted.

The following communication was received from the Treasurer of State.

Which was read, laid on the table, and two hundred and forty copies ordered to be printed.

STATE TREASURER'S OFFICE,
Benicia, April 22, 1853. }

To the Hon. Isaac B. Wall,
Speaker of the Assembly:

SIR:

In reply to a resolution of your honorable body, passed the 19th instant, I submit the following statement of receipts:

From the Commissioners of the Funded Debt of the city of San Francisco, January 26, 1852, per John W. Geary, President,	\$1,000 00
February 1, 1853, " " " " " " " " " " " "	10,000 00
April 7, per D. W. Connely, " " " " " " " " " " " "	212 50
" 8, " Wm. Hooper, Secretary, " " " " " " " " " " " "	7,000 00
	<hr/>
	\$18,212 50
From the city of San Francisco, March 26, 1853, per Hiram Pierson, " " " " " " " " " " " "	\$1,312 50
	<hr/>
	\$19,525 00

All of which has been received by me upon orders from the Comptroller of State according to section seven of An Act prescribing the mode of receiving, keeping and paying out the Public Funds, passed January 31, 1850, (page 52 Statutes of 1850.)

Respectfully yours,

RICHARD ROMAN,
State Treasurer.

Mr. Hally, on leave, introduced a bill for An Act to establish Public Pounds for the safe keeping of Stray Animals in this State.

Which was read a first time, and laid over under the rules.

The hour of one o'clock having arrived, the house took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

Mr. Conness submitted a resolution to prevent the introduction of any new bills into this House after Thursday next, without the consent of two thirds of the members present.

On the adoption of which, the ayes and nays were demanded, and the resolution was lost by the following vote:

AYES.

Messrs. Canney,
Conness,
Ewing,
Gardner,
Garfield,
Letcher,
McGarry,
McKamy,
Owen,

Messrs. Redding,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Wells,
Speaker—17.

NAYS.

Messrs. Bell,
Brush,
Carpentier,
Crenshaw,
Estep,
Hally,
Harrison,
Herbert,
Hunt,
Kittredge,

Messrs. Mandeville,
McFarland,
McMeans,
Moore,
Myres,
Proctor,
Reading,
Rogers,
Wing—19.

Mr. McFarland moved to take up Assembly bill for An Act to provide for the Indigent Sick, made the special order for this day.

Which was agreed to.

On motion of Mr. Mandeville, the House then went into committee of the whole, (Mr. Canney in the chair,) on the consideration of the bill, and having made some progress thereon, the committee rose, and reported the same, and asked leave to sit again.

Which was granted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, April 23, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Carhart, Conness, Ewing, Gardner, Garfield, Hunt, Letcher, Mandeville, Martin, McGarry, McMahon, Moore, Reading of Trinity, Redding of Yuba, Walker, Wing and Yeiser.

On motion, leave of absence was granted to Messrs. Ewing and Mandeville until Tuesday next ; and to Mr. McMahon for two days ; and to Messrs. Hunt and Letcher each one day.

The Journal of Friday last was read and approved.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to incorporate the city of Monterey, without amendment, and recommended that it be passed.

The report was adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act to provide for the payment of certain persons, therein named, for services rendered and materials furnished, with a recommendation that the same be passed.

The report was adopted, and the bill was then considered in committee of the whole, reported back without amendment, and the committee discharged from further consideration of the subject ; when the bill was read a third time and passed.

Mr. Hally submitted the following report, which was read and adopted. (Relative to Tule Lands—see Appendix, No. 52.)

Assembly bill for An Act to improve the Tule Lands, and to encourage the cultivation of Sugar, Rice and Cotton, was laid on the table.

Mr. Wells submitted the following report, which was read and concurred in :

Mr. President :

The committee of conference on the disagreeing votes of the two Houses on the Act to fix the compensation of the County Judges and Associate Justices of the Court of Sessions, have had the subject under consideration, and beg leave to submit the following amended list of the classes and compensation of County Judges, together with amendments to sections 3 and 4, and recommend their adoption, and the passage of the bill thus amended.

April 21, 1853.

1st.—Of the county of San Francisco,	- - -	\$7,500
2d.—Of the counties of Sacramento, San Joaquin and Mariposa,		
each,	- - -	5,000
3d.—Of the counties of Calaveras, Tuolumne, El Dorado, Yuba,		
Nevada and Placer, each,	- - -	4,000
4th.—Of the county of Solano,	- - -	3,000
5th.—Of the counties of Butte, Sutter, Shasta, Sierra, Trinity,		
Alameda, Contra Costa and Yolo, each,	- - -	2,500
6th.—Of the counties of Tulare, Napa, Sonoma, Colusa, Marin,		
Santa Clara, and Humboldt, (when organized,) each,	- - -	2,000
7th.—Of the counties of Los Angeles, Siskiyou, Klamath and		
Monterey, each,	- - -	1,500
8th.—Of the counties of Santa Barbara and Santa Cruz, each,	- - -	1,200
9th.—Of the counties of San Diego and San Luis Obispo, each,	- - -	1,000

Section 3. Strike out the word "five," in second line—insert, instead, "eight." Strike out word "two," in fifth line—insert, instead, "three."

Section 4. Insert after the word "hereafter," in the third line, the following: "*Provided*, that the County Judges of Placer, Nevada, Trinity and Klamath shall be entitled to receive, during their term of office, the salaries fixed by this Act—deducting therefrom the amount of moneys they have already received for their compensation as such Judges."

C. F. LOTT,
J. W. COFFROTH,
S. C. FOSTER,
Senate Committee.

T. WELLS,
J. W. MANDEVILLE,
B. F. MYRES,
Assembly Committee.

A message was received, informing the Assembly that the Senate did, on the 20th instant, pass An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate warrants in lieu of certain warrants lost or destroyed; and

An Act to provide for the pay and compensation of Maj. James Birney, as paymaster to troops called into service of this State in defending our eastern frontier from the hostilities of Indians under an Act passed March 17, 1851.

Senate bill for An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate warrants in lieu of certain warrants lost or destroyed, was then read a first and second time, and referred to the Committee on Indian Affairs.

Senate bill for An Act to provide for the pay and compensation of Major James Birney, as paymaster to troops called into the service of this State in defending our eastern frontier from the hostilities of Indians under an Act

passed March 17, 1851, was then read a first and second time, and referred to the Committee on Indian Affairs.

Senate bill for An Act supplemental to An Act to regulate Elections, passed March 23, 1850, was then taken up, read a second time and referred to the Judiciary Committee.

Assembly bill for An Act in relation to the division of Counties and the removal of County Seats, was then taken up, read a second time, and referred to the Committee on Counties and County Boundaries.

Senate bill for An Act to amend the fourteenth section of An Act concerning the office of County Treasurer, passed March 27, 1850, was read a second time and laid over under the rules.

Mr. Carpentier moved to take from the table Assembly bill for An Act to amend an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Blake,
Brush,
Canney,
Carpentier,
Conness,
Cardozo,
Hally,
Johnson,
Kittredge,

Messrs. Knight,
Proctor,
Redding,
Rogers,
Sime,
Taylor,
Tilghman,
Speaker—17.

NAYS.

Messrs. Covarrubias,
Crenshaw,
Estep,
Harrison,
Herbert,
Hoff,
Huse,
Meredith,
McKamy,
McMeans,

Messrs. Myres,
Oliver,
Owen,
Reading,
Robinson,
Saunders,
Smith,
Wells,
Wing—19.

Mr. Hoff, from the Judiciary Committee, reported back Senate bill for An Act concerning Notaries Public, with amendments, and recommended that it be passed.

The report was adopted, and the bill amended, read a third time and passed.

On motion of Mr. Blake, Assembly bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco, was taken from the

table, and made the special order for Wednesday next, April 27, 1853, at 12 o'clock, M.

Mr. Carpentier moved that the "proposed amendments to the Constitution," submitted by him to this House, on the second day of February last, be taken from the table and ordered to be printed.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Carpentier,
Conness,
Crenshaw,
Flower,
Hally,
Harrison,
Hoff,
Huse,

Messrs. Johnson,
Kittredge,
Meredith,
McKamy,
Myres,
Oliver,
Owen,
Redding,
Taylor,
Wing,
Speaker—22.

NAYS.

Messrs. Bell,
Estep,
Herbert,
Knight,
Leake,
McMeans,
Proctor,

Messrs. Reading,
Robinson,
Saunders,
Sime,
Smith,
Wells—13.

On motion of Mr. McMeans, the House then went into committee of the whole (Mr. Heydenfelt in the chair,) on the consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting of the Public Revenue, approved April 23, 1852, and having considered the same, rose, and reported it back, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. McMeans moved that the House now proceed to consider the amendments to the bill.

Which was agreed to.

The question then being on the adoption of the first amendment to section second,

Mr. Canney moved a call of the House, which was sustained, and on the roll being called, the following members were found absent :

Messrs. Blake, Cardozo, Covarrubias, Ewing, Fairfax, Gardner, Herbert, Hoff, Meredith, McFarland, McGarry, McMahon, Oliver, Saunders, Sime, and Smith.

The Sergeant-at-Arms was dispatched to bring in the absentees.

On motion, further proceedings under the call were dispensed with.

Mr. Bostwick submitted the following report, which was read and adopted:

Mr. Speaker:

The Joint Committee on Enrollment report, that they have this day presented to the Governor, for his approval, An Act to provide for the erection of a Jail in Sacramento county.

And An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof.

And An Act to authorize the Board of Supervisors of Los Angeles county to levy a special tax for the erection of County Buildings.

JOHN H. BOSTWICK,
Assembly Committee.

A message was received from the Governor, informing the Assembly that he did, on the 22d instant, approve An Act to provide for the incorporation of Wagon Road Companies;

Also, An Act to provide for the erection of a Jail in Sacramento county.

Mr. McGarry, at 12½ o'clock, P. M., moved to take a recess until 3 o'clock, P. M.

On which the ayes and nays were demanded, and the House took a recess by the following vote:

AYES.

Messrs. Brush,
Canney,
Conness,
Covarrubias,
Estep,
Garfield,
Harrison,
Heydenfeldt,
Johnson,
Kittredge,

Messrs. Leake,
McGarry,
McKamy,
McMeans,
Owen,
Rogers,
Taylor,
Wells,
Speaker—19.

NAYS.

Messrs. Carpentier;
Crenshaw,
Flower,
Hally,
Huse,
Knight,
Proctor,

Messrs. Reading,
Redding,
Robinson,
Saunders,
Sime,
Walker,
Wing—14.

The House re-assembled at 3 o'clock, P. M.

On motion of Mr. McMeans, the House resumed the consideration of the amendments to Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing, and collecting public revenue, approved April 23, 1852.

The first amendment to section 2, to strike out the word "forty," and insert the word *eighty*, was then read, when Mr. Canney moved that the House adopt the same.

On which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Bell,	Messrs. Meredith,
Brush,	McMeans,
Canney,	Myres,
Carpentier,	Oliver,
Conness,	Redding,
Crenshaw,	Robinson,
Estep,	Rogers,
Heydenfeldt,	Wells—17
Hoff,	

NAYS.

Messrs. Cardozo,	Messrs. Owen,
Covarrubias,	Proctor,
Garfield,	Saunders,
Hally,	Sime,
Herbert,	Smith,
Huse,	Taylor,
Johnson,	Tilghman,
Kittredge,	Walker,
Knight,	Wing,
McKamy,	Speaker—21.
Moore,	

Mr. Hoff moved to lay the bill on the table.

On which the ayes and nays were demanded, and the bill was laid on the table by the following vote :

AYES.

Messrs. Bell,	Messrs. McKamy,
Blake,	McMeans,

Messrs. Brush,
Canney,
Conness,
Cardozo,
Estep,
Herbert,
Hoff,
Huse,
Johnson,
Leake,
Meredith,

Messrs. Moore,
Myres,
Oliver,
Proctor,
Reading,
Redding,
Robinson,
Tilghman,
Wells,
Wing—25.

NAYS.

Messrs. Bostwick,
Carpentier,
Covarrubias,
Crenshaw,
Flower,
Garfield,
Hally,
Heydenfeldt,
Kittredge,

Messrs. Knight,
Owen,
Rogers,
Saunders,
Sime,
Smith,
Taylor,
Walker,
Speaker—18.

On motion of Mr. McMeans, the House went into committee of the whole (Mr. Tilghman in the chair) on the consideration of Assembly bill for An Act to provide for the indigent sick, and having made some progress thereon, the committee rose, reported the same, and asked leave to sit again.

Which was granted, and the bill laid on the table.

Mr. Herbert moved to reconsider the vote by which the House, on yesterday, indefinitely postponed a resolution to appoint a Committee of five to investigate the matters connected with the late election in San Francisco county for five members of Assembly.

Mr. Moore moved to lay the motion to reconsider on the table.

On which the ayes and nays were demanded, and the House refused to lay the motion on the table by the following vote:

AYES.

Messrs. Conness,
Estep,
Hally,
Knight,
Moore,

Messrs. Oliver,
Reading,
Redding,
Wells,
Speaker—10.

NAYS.

Messrs. Bell,
Blake,
Brush,

Messrs. Kittredge,
Leake,
Meredith,

Messrs. Canney,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Herbert,
Hoff,
Huse,
Irwin,
Johnson,

Messrs. McKamy,
McMeans,
Myres,
Owen,
Proctor,
Rogers,
Smith,
Tilghman,
Walker,
Wing—26.

Mr. Leake moved the previous question—and on the question, “Shall the main question now be put?” the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
Blako,
Brush,
Cardozo,
Covarrubias,
Herbert,
Hoff,
Huse,
Johnson,
Kittredge,

Messrs. Leake,
Meredith,
McKamy,
McMeans,
Owen,
Rogers,
Tilghman,
Walker,
Wing—19.

NAYS.

Messrs. Canney,
Carpentier,
Conness,
Flower,
Hally,
Heydenfeldt,
Myres,

Messrs. Oliver,
Reading,
Redding,
Smith,
Wells,
Speaker—13.

The main question was then put.

On which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Bell,
Blake,
Brush,
Carpentier,
Cardozo,
Covarrubias,
Herbert,

Messrs. Meredith,
McKamy,
McMeans,
Myres,
Owen,
Rogers,
Tilghman,

Messrs. Hoff,
Kittredge,
Leake,

Messrs. Walker,
Wing—19.

NAYS.

Messrs. Canney,
Estep,
Hally,
Huse,

Messrs. Oliver,
Wells,
Speaker—7.

No quorum voting.

Mr. Bostwick submitted the following report, which was read and adopted :

ASSEMBLY, April 23, 1852.

Mr. Speaker:

The Joint Committee on Enrolled Bills, report that they have examined, and find correctly enrolled, An Act to extend and to better define the powers and duties of the City Council of the city of Sacramento, and to authorize the establishment of Free Schools in said city ; also,

An Act to authorize the Pacific Mail Steamship Company to hold, use, and occupy certain lands in the city of Benicia ; and also,

An Act in relation to the interest on the Funded Debt of 1852.

JOHN H. BOSTWICK,
Chairman of Assembly Committee.

Mr. Canney, at 6 o'clock, P. M., moved that the House adjourn until Monday next, at 7½ o'clock, P. M.

On which the ayes and nays were demanded, and the House adjourned until 7½ o'clock, P. M., on Monday next by the following vote :

AYES.

Messrs. Blake,
Canney,
Cardozo,
Covarrubias,
Estep,
Flower,
Hally,
Heydenfeldt,
Huse,
Myres,

Messrs. Oliver,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Wells—19.

NAYS.

Messrs. Bell,
Brush,
Conness,
Herbert,
Hoff,
Kittredge,
Knight,
Leake,

Messrs. Meredith,
McKamy,
McMeans,
Owen,
Rogers,
Walker,
Wing,
Speaker—16.

HOUSE OF ASSEMBLY.

MONDAY, April 25, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Canney, Carhart, Carpentier, Covarrubias, Fairfax, Garfield, Harrison, Herbert, Hoff, Hunt, Johnson, Leake, Letcher, McMahon, Rogers, Smith, and Wing.

The Journal of Saturday last was read and approved.

The following message was received from the Senate :

Mr. Speaker :

The Senate passed, on the 21st instant, An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1850.

And on the 22d, An Act authorizing the Board of Supervisors of San Diego county to levy a special tax for the erection of a County Jail.

And a Concurrent Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin valleys.

And on the 23d instant, An Act to authorize the issue of a duplicate twelve per cent. war bond to John C. Johnson.

And on the 25th instant, An Act amendatory of and supplementary to the Act to regulate proceedings in civil cases in the courts of justice of this State.

And the Senate respectfully requests that the Assembly will recede from its vote adopting the report of the committee of conference on the disagreeing vote of the two Houses on An Act to fix the compensation of County Judges and Associate Justices of the Courts of Session, and to repeal a like Act passed 22d April, 1852; and that the delegations from Placer and San Francisco counties, in the Assembly, be appointed as a committee of free conference, to act with a similar committee of the Senate, to agree upon the compensation of the County Judges of their respective counties.

By order of the Senate.

A. C. BRADFORD,
Secretary.

25th April, 1853.

Senate bill for An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1850, was then read twice, and referred to the Judiciary Committee.

Senate bill for "An Act authorizing the Board of Supervisors of San Diego county to levy a special tax for the erection of a County Jail, was then taken up, read twice, and referred to the delegation from San Diego county.

Senate Concurrent Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin valleys, was then taken up, read, and referred to the Committee on Mines and Mining Interests.

Senate bill for An Act to authorize the issue of a duplicate twelve per cent. war loan bond to John C. Johnson, was then read twice, and referred to the Committee on Claims.

Senate bill for An Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, was then read twice, and referred to the Judiciary Committee, and two hundred and forty copies ordered to be printed.

On motion of Mr. Sime, the House reconsidered the vote by which the report of the committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22, 1850, was adopted.

The Chair then appointed the delegations from the counties of Placer and San Francisco as a committee of free conference on the disagreeing vote of the two Houses on the bill.

Mr. Redding of Yuba presented the following report of Professor John B. Trask, on the Geology of the Sierra Nevada or California Range. (See Senate Appendix, No. 59.)

Mr. Redding submitted the following resolution; which was laid over under the rules:

Resolved, That 2000 copies of the Geological Report of Professor Trask be printed for the use of the Assembly.

Mr. McCandless moved to take from the table Assembly bill for An Act for the suppression of drinking houses and tippling shops.

Which was agreed to.

Mr. Meredith then submitted a report adverse to the passage of the bill. Which was read, and laid on the table.

Mr. Proctor moved to strike out the enacting clause of the bill.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Crenshaw,
Estep,
Flower,
Knight,
Meredith,
McGarry,
Myres,

Messrs. Oliver,
Proctor,
Saunders,
Sime,
Wells,
Yeiser,
Speaker—14.

NAYS.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Cardozo,
Ewing,
Hally,
Heydenfeldt,
Huse,
Irwin,
Kittredge,
Mandeville,

Messrs. Martin,
McCandless,
McFarland,
McKamy,
McMeans,
Moore,
Owen,
Reading,
Redding,
Robinson,
Taylor,
Walker—24.

Mr. Proctor moved that the bill be indefinitely postponed.

On which the ayes and nays were demanded, and the House refused to indefinitely postpone by the following vote :

AYES.

Crenshaw,
Estep,
Flower,
Knight,
Meredith,
McGarry,

Messrs. Myres,
Oliver,
Proctor,
Sime,
Speaker—11.

NAYS.

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,
 Caldwell,
 Ewing,
 Hally,
 Heydenfeldt,
 Huse,
 Irwin,
 Kittredge,
 Mandeville,

Messrs. McCandless,
 McFarland,
 McKamy,
 McMeans,
 Moore,
 Reading,
 Redding,
 Robinson,
 Taylor,
 Walker,
 Wells—23.

Mr. Redding of Yuba moved that the bill be considered engrossed, and read a third time now.

Which was agreed to.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was lost by the following vote:

AYES.

Messrs. Bell,
 Blake,
 Estep,
 Ewing,
 Irwin,
 Kittredge,
 Martin,
 McCandless,

Messrs. McKamy,
 McMeans,
 Reading,
 Robinson,
 Taylor,
 Walker,
 Wells—15.

NAYS.

Messrs. Bostwick,
 Brush,
 Caldwell,
 Crenshaw,
 Flower,
 Hally,
 Heydenfeldt,
 Huse,
 Knight,
 Mandeville,
 Meredith,

Messrs. McFarland,
 McGarry,
 Moore,
 Myres,
 Oliver,
 Proctor,
 Redding,
 Sime,
 Thomas,
 Yeiser,
 Speaker—22.

Mr. Crenshaw, agreeably to notice, introduced a bill for An Act to pro-

vide for the incorporation of Companies for the construction of Plank or Turnpike Roads.

Which was read twice, and referred to the Committee on Corporations.

Mr. Owen, agreeable to notice, introduced a bill for An Act to locate a State road from the city of Benicia to the city of Sacramento.

Which was read a first time, and laid over under the rules.

Mr. Proctor, on leave, introduced a bill for An Act explanatory and supplementary to an Act providing an additional War Fund, approved April 16, 1853.

Which was read twice, and referred to the Judiciary Committee.

Mr. Redding of Yuba gave notice, that he would, on to-morrow, introduce a bill for the protection of persons owning timber, logs, and lumber floating upon water or carried upon adjoining lands.

On motion, at 10 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, April 26, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Canney, Carhart, Carpentier, Gardner, Harrison, Hoff, Hunt, Johnson, Leake, Letcher, McCandless, McMahon, Rogers, Smith and Walker.

On motion, leave of absence for one day was granted to Messrs. Leake, Rogers, Hoff, Hunt, Johnson, Harrison, Canney and Letcher.

The Journal of Monday last was read and approved.

Mr. McMeans submitted the following report. (Relative to the accruing interest on the Debt of the State—see Appendix, No. 58.)

Which was read, and two thousand copies ordered to be printed.

Mr. McMeans introduced, with the foregoing report, a bill for An Act concerning the civil indebtedness of the State.

Which was read a first and second time, when

Mr. Flower moved that the bill be referred to the Judiciary Committee.

~~On which the ayes and nays were demanded, and the motion was lost by~~
the following vote :

AYES.

Messrs. Conness,
Covarrubias,
Crenshaw,
Estep,
Flower,
Heydenfeldt,
McGarry,

Messrs. Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Speaker—14.

NAYS.

Messrs. Blake,
Brush,
Cardozo,
Ewing,
Garfield,
Hally,
Herbert,
Huse,
Irwin,
Kittredge,

Messrs. Knight,
Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
Owen,
Redding,
Wells,
Wing—20.

Mr. Herbert moved that the bill be referred to a select committee of five. Which was agreed to.

The Chair appointed, as such committee, Messrs. Herbert, McMeans, Reading of Trinity, Robinson and Crenshaw.

Mr. Heydenfeldt gave notice that on to-morrow he would introduce a bill to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin.

Also, a bill to fix the term of office of Public Administrators.

Also, a bill amendatory of An Act to create a Board of Supervisors for the counties of this State and to define their duties and powers, passed May 3d, 1852.

On motion of Mr. Redding of Yuba, the resolution to print 2000 copies of the Geological Report of Prof. Trask, was taken from the table and adopted.

Mr. Garfield, on leave, introduced a bill for An Act to authorize County Recorders to administer oaths in certain cases.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Sime, Senate Concurrent Resolution to adjourn *sine die* on Wednesday, the eleventh day of May, at 2 o'clock, P. M., was taken from the table.

Mr. Herbert moved to amend the resolution by striking out the word "eleventh," and insert, in lieu thereof, the word "fourth."

Which was not agreed to.

Mr. Sime moved that the resolution be adopted.

On which the ayes and nays were demanded, and the House adopted the resolution by the following vote :

AYES.

Messrs. Bostwick,
Caldwell,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Herbert,
Heydenfeldt,
Huse,
Kittredge,
Knight,
Martin,

Messrs. McCandless,
McFarland,
McGarry,
McKamy,
McMeans,
Owen,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Wells,
Yeiser,
Speaker—31.

NAYS.

Messrs. Blake,
Brush,
Cardozo,
Irwin,
Mandeville,

Messrs. Meredith,
Moore,
Oliver,
Redding,
Wing—10.

Mr. McMeans gave notice that he would, on to-morrow, move to reconsider the vote just taken.

Mr. Conness submitted the following resolution, which was read and adopted.

Resolved, That until otherwise ordered by two-thirds of this House, no member shall be allowed to speak for a longer period than five minutes, either in the House or in the committee of the whole.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for dividing the county of Los Angeles and making a new county therefrom, to be called San Bernardino county.

And the report was adopted.

Mr. Crenshaw moved to take from the table Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23d, 1852, as amended in committee of the whole.

Which was agreed to.

The House then proceeded to consider the amendments reported by the committee of the whole House, commencing with the second amendment to the 2d section.

Which was adopted.

The amendments to section three, to strike out the word "forty," and insert the word "eighty," were rejected.

All other amendments to the third section were then adopted.

All the amendments to the fourth section, with the exception of the proviso at the end of section, were also adopted.

The question then being on the adoption of the following amendment to be added to the fourth section :

"*Provided*, that under the provisions of this Act, mining claims shall not be considered property."

Mr. Conness moved a call of the House.

On which the ayes and nays were demanded, and the call was sustained by the following vote :

AYES.

Messrs. Blake,
Brush,
Caldwell,
Conness,
Cardozo,
Crenshaw,
Flower,
Hally,
Herbert,
Irwin,
Knight,
Mandeville
Meredith,

Messrs. McMeans,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Saunders,
Sime,
Taylor,
Thomas,
Wells,
Wing—26.

NAYS.

Messrs. Estep,
Ewing,
Huse,
Kittredge,

Messrs. McKamy,
Yeiser,
Speaker—7.

The roll was then called by the Clerk, and the following members were absent :—Messrs. Bell, Carpentier, Covarrubias, Fairfax, Gardner, Harrison, Heydenfeldt, McCandless, McGarry, Moore, Smith and Walker.

Messrs. Moore, McCandless, McGarry and Fairfax appeared at the bar of the House, were admitted, excused, and took their seats.

The question then recurring on the amendment as a proviso to be added to the fourth section of the bill.

On which the ayes and nays were demanded, the amendment was adopted by the following vote :

AYES.

Messrs. Blake,
 Bestwick,
 Brush,
 Caldwell,
 Conness,
 Cardozo,
 Crenshaw,
 Estep,
 Fairfax,
 Flower,
 Garfield,
 Hall,
 Herbert,
 Heydenfeldt,
 Irwin,
 Knight.

Messrs. Mandeville,
 Meredith,
 McCandless,
 McFarland,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Owen,
 Reading,
 Redding,
 Thomas,
 Wells,
 Wing,
 Yeiser,
 Speaker—32.

NAYS.

Messrs. Covarrubias,
 Ewing,
 Huse,
 Kittredge,
 Martin,

Messrs. McKamy,
 Proctor,
 Saunders,
 Sime,
 Taylor—10.

Mr. Bestwick submitted the following report, which was adopted :

Mr. Speaker :

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor for his approval—

An Act to extend and to better define the powers and duties of the City Council of the city of Sacramento, and to authorize the establishment of Free Schools in said city ; also,

An Act in relation to the interest on the Funded Debt of eighteen hundred and fifty-two ; and

An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia : and

An Act for dividing the county of Los Angeles and making a new county therefrom to be called San Bernardino county.

JOHN H. BOSTWICK,
 Assembly Committee.

The hour of one o'clock having arrived, the House took a recess until 3 o'clock.

The House re-assembled at 3 o'clock, P. M.

On motion of Mr. McMeans, Assembly bill for An Act to provide for the measurement of Lumber, was taken up.

The House went into committee of the whole (Mr. Myres in the chair) on the consideration of the bill; and having considered the same, the committee rose, and reported it back to the House with amendments, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments to the bill reported by the committee of the whole, were then concurred in, and the bill was ordered engrossed for a third reading on to-morrow.

Mr. Irwin submitted a resolution authorizing the Clerk of Assembly to employ additional assistance.

Which was read and adopted.

A message was received from the Governor, informing the Assembly that he this day approved An Act dividing the county of Los Angeles, and making a new county therefrom, to be called San Bernardino county.

Mr. Conness submitted a resolution discharging all the clerks employed by the committees of this House.

Which was read and adopted.

Mr. Conness asked to be excused from serving on the select committee, to whom was referred Assembly bill for An Act concerning the civil indebtedness of the State.

Which was granted.

And the Chair appointed Mr. Redding of Yuba to fill the vacancy.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to incorporate the city of Monterey.

And the report was adopted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 27, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Harrison, Leake, Letcher, McCandless, McMahon, Moore, and Smith.

On motion, leave of absence for two days was granted to Mr. Harrison.

The Journal of Tuesday last was read and approved.

Mr Saunders presented the memorial of the Board of Supervisors of the County of San Francisco, praying for certain amendments in the Act creating a Board of Supervisors in the Counties of this State, and defining their duties, &c.

Which was read, and referred to the Judiciary Committee.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act to authorize the issue of a duplicate twelve per cent. War Loan Bond to John C. Johnson, without amendment, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Crenshaw submitted the following report, relative to claim of P. A. Brinsmade. (See Appendix, No. 54.)

Which was read and adopted.

Mr. Johnson, from the Judiciary Committee, reported back the petition of citizens of Sacramento City, praying that the moneys due on the forfeited recognizance of Fanny Smith alias Seymour, be paid to Albert Putnam, with a bill for An Act for the relief of Albert Putnam.

Which was read a first time, when

Mr. Conness moved that the bill be rejected.

On which the ayes and nays were demanded.

And the House refused to reject by the following vote :

AYES.

Messrs. Conness,
Meredith,
Sime,

Messrs. Wing,
Speaker—5.

NAYS.

Messrs. Blake,
 Bostwick,
 Brush,
 Caldwell,
 Canney,
 Carpentier,
 Cardozo,
 Crenshaw,
 Estep,
 Gardner,
 Hally,
 Hoff,
 Huse,
 Irwin,
 Johnson,
 Kittredge,

Messrs. Knight,
 Leake,
 Martin,
 McFarland,
 McKamy,
 McMeans,
 Myres,
 Oliver,
 Owen,
 Proctor,
 Robinson,
 Rogers,
 Saunders,
 Taylor,
 Tilghman,
 Wells—32.

Mr. Canney moved that the rules be suspended, and that the bill be read a second time now.

Which was agreed to, and the bill was then read a second time.

Mr. Proctor moved that the bill be referred to the committee of the whole House.

Which was agreed to.

On motion of Mr. Proctor, the House then went into committee of the whole (Mr. Mandeville in the chair) on the consideration of the bill, and having considered the same, the committee rose and reported the same back, recommending that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Canney then moved that the rules be further suspended, and that the bill be read a third time now, with a view of putting it upon its final passage.

Which was agreed to.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote :

AYES.

Messrs. Blake,
 Canney,
 Carpentier,
 Cardozo,
 Covarrubias,
 Estep,
 Fairfax,
 Flower,

Messrs. Kittredge,
 Knight,
 Martin,
 McGarry,
 McMeans,
 Myres,
 Oliver,
 Owen,

Hally,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Johnson,

Proctor,
Robinson,
Saunders,
Thomas,
Tilghman,
Walker—28.

NAYS.

Messrs. Bostwick,
Brush,
Caldwell,
Conness,
Crenshaw,
Gardner,
Garfield,
Hoff,

Messrs. Irwin,
Mandeville,
Meredith,
McCandless,
Taylor,
Wells,
Wing,
Speaker—16.

Mr. Yeiser, from the Judiciary Committee, reported back Senate bill for An Act supplementary to an Act to provide for the appointment, and prescribe the duties, of Guardians, passed April 19, 1850, and recommended that it be passed.

The report was adopted, and the bill was read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to authorize County Recorders to administer Oaths in certain cases, and recommended that the same be passed.

The report was adopted, and the bill was read a third time under a suspension of the rules, and passed.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act explanatory and supplementary to an Act providing an additional War Fund, approved April 16, 1853, and recommended that the same be passed.

The report was adopted, and the bill was then considered engrossed, read a third time and passed.

Mr. Kittredge, from the Committee on Agriculture, reported back Assembly bill for An Act for the destruction of certain noxious Animals, and recommended that the same be indefinitely postponed.

The report was adopted, and the bill was then indefinitely postponed.

Mr. Garduer, from the Committee on Mines and Mining Interests, reported back Senate Concurrent Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands of the Sacramento and San Joaquin Valleys, with a recommendation that the same be passed.

The question was then taken upon the adoption of the resolution, and it was lost.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to authorize the Treasurer to issue four duplicate School Land Warrants, and recommended that it be indefinitely postponed.

The report was adopted, and the bill indefinitely postponed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to provide for the Measurement of Lumber.

And the report was adopted.

The bill was then taken up, amended, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill passed by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Cardozo,
Covarrubias,
Estep,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Kittredge,
Knight,
Martin,

Messrs. Meredith,
McGarry,
McMeans,
Moore,
Oliver,
Owen,
Proctor,
Rogers,
Saunders,
Sime,
Thomas,
Walker,
Wells,
Wing—29.

NAYS.

Messrs. Bostwick,
Caldwell,
Carpentier,
Conness,
Flower,
Garfield,
Hally,

Messrs. Heydenfeldt,
Mandeville,
McFarland,
Myres,
Robinson,
Taylor,
Speaker—14.

Mr. Heydenfeldt, agreeable to notice, introduced a bill for An Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

Which was read twice, and referred to the Judiciary Committee.

Mr. Fairfax, on leave, introduced a bill for An Act to allow private parties to file information in the nature of quo warranto.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Heydenfeldt, agreeable to notice, introduced a bill for An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin.

Which was read twice, and referred to a select committee of five, consisting of Messrs. Heydenfeldt, Hally, Herbert, Bell and Yeiser.

Mr. Myres, on leave, introduced a bill for An Act to amend an Act to regulate proceedings in Criminal cases, passed May 1, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Chapman on leave introduced a bill for An Act to provide for the appointment of Commissioners on Duets, and to define their duties.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Johnson, Assembly bill for An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, was taken from the table, considered, amended, read a third time, and passed.

The hour of one o'clock, P. M., having arrived, the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

On motion of Mr. Satter, Assembly bill for An Act to provide for the more perfect indexing and classification of the Local Records of the City and County of San Francisco, as a substitute for one title of a similar nature, was taken from the table, and read a first and second time.

On motion of Mr. Taylor, the House then went into consideration of the whole. Mr. Cherry in the chair on the consideration of the bill, and having announced the same, the gentleman rose and reported the bill back with amendments, and recommended that the bill be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments were then considered as by the House, the rules were suspended, and the bill was read a third time and passed.

Mr. McCulloch submitted the following report:—Relative to Marine Hospitals, see Appendix, No. 25.

Which was read and two hundred and thirty copies ordered to be printed.

Mr. Taylor submitted the following resolution, which was read and adopted:

Resolved, That the Judiciary Committee and the Committee on Ways and Means be authorized to employ a Clerk.

Mr. Taylor, from the Committee on Finance and County Bonds, reported a bill for An Act to amend the State and County Bonds, and amending the Sums of Interest thereon.

Which was read a first time, the rules suspended, it was then read a second time and referred to the joint committee.

On motion of Mr. Thibault, the House went into consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting, Public Revenue, approved April 23, 1852.

The amendments reported by the committee of the whole to the bill, were then taken up and adopted.

The bill was then further amended, and pending the consideration, the House, at 6 o'clock, P. M., adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 28, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Blake, Covarrubias, Fairfax, Flower, Garfield, Harrison, Herbert, Reading of Trinity, Robinson, Taylor, Tilghman, Yeiser.

The Journal of Wednesday last was read and approved.

Mr. Smith presented the petition of citizens of Contra Costa county, praying for reduction of the salary of the County Judge of that county.

Which was read, and referred to the Committee of Conference.

Mr. McMeans, from the Committee of Ways and Means, to whom was referred the petition of the Board of Supervisors of San Francisco county, reported back the same, and recommended that it be referred to the delegation from that county.

Which was agreed to.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to amend an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, without amendment, and recommended its passage.

Report was adopted, the bill considered, amended, and laid on the table.

Mr. Yeiser, from the same committee, introduced a bill to be entitled An Act to authorize the State Treasurer to issue a duplicate School Land warrant.

Read first time, and laid over under the rules.

Mr. Canney, from the Committee on Indian Affairs, reported back Assembly bill for An Act amendatory of an Act entitled an Act authorizing the Treasurer of the State to issue bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity and Monterey expeditions against the Indians, passed May 3, 1852, without amendment, and recommended its passage.

Report adopted, and bill laid on the table.

Mr. Ewing, from the Committee on Counties and County Boundaries, re-

ported back Assembly bill for An Act in relation to the division of Counties and the removal of County Seats, with amendments, and recommended its passage.

The report was adopted, and bill laid on the table.

Mr. Hally, from the San Joaquin delegation, reported back Senate bill for An Act to amend the sixteenth section of an Act entitled an Act to provide for the funding of the debt of San Joaquin county, for the payment of the interest thereon, and for the gradual liquidation of the debt, passed April 20, 1852, without amendments, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Redding of Yuba, on leave, introduced a bill for An Act to authorize the formation of corporations for the construction of Plank or Turnpike roads.

Which was read twice, and referred to the Committee on Corporations.

Mr. Saunders, on leave, introduced a bill for An Act concerning certain courts in the county of San Francisco.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Hunt, on leave, introduced a bill for An Act to regulate appeals from County Courts, Justices', Mayors', and Recorders' Courts in the State of California.

Which was read twice, and referred to the Judiciary Committee.

Mr. Redding of Yuba, agreeable to notice, introduced a bill for An Act for the protection of persons owning timber, logs, and lumber, floating upon water, or carried upon adjoining lands.

Which was read twice, and referred to the Committee on Mines and Mining Interests.

A message was received, informing the Assembly that the Senate passed, on the 25th instant, An Act to provide for the translation of the laws into the Spanish language for the year 1853.

And passed, on the 26th instant, An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors.

Also, An Act to compensate Dr. John B. Trask for his report on the Geology of the Mineral Districts, and to enable him to make further examinations.

And also, An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract.

And that they this day non-concurred in Assembly amendments to Senate bill for An Act concerning Notaries Public.

Senate bill for An Act to provide for the translation of the laws into the Spanish language for the year 1853, was then read twice, and referred to the select committee on translation.

Senate bill for An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors, was then taken up, read a first and second time, and referred to the Judiciary Committee.

Senate bill for An Act to compensate Dr. John B. Trask, for his report on the Geology of the mineral districts, and to enable him to make further examinations, was then read twice, and referred to the Committee on Public Expenditures.

Senate bill for An Act providing for the erection of a State Prison, and

declaring null and void the existing State Prison contract, was then taken up, read a first and second time, and referred to the Committee on State Prisons.

Mr. Johnson moved that the House refuse to recede from their amendments to Senate bill for An Act concerning Notaries Public.

Which was agreed to, and the Chair announced Messrs. Johnson, Conness, and Saunders, as a committee of conference on the disagreeing vote on the bill.

Mr. Martin, on leave, introduced a Joint Resolution in relation to establishing a Land Office in the northern part of California.

Which was read a first time, the rules were then suspended, and it was then read a second time, when the rules were further suspended, and the Resolution was read a third time and passed.

Mr. Hoff, from the Judiciary Committee, reported back Assembly bill for an Act to amend an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, approved May 3, 1852, with a substitute, entitled An Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, and recommended its passage.

The report was then adopted, and the original bill was laid on the table.

The substitute was then read a first and second time, and referred to the committee of the whole house, and laid on the table.

Mr. Smith, on leave, introduced a bill for An Act to protect the settlers upon the unoccupied lands of this State.

Which was read twice, and referred to the Judiciary Committee.

On motion of Mr. McMeans, Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing, and collecting public revenue, approved April 23d, 1852, was taken up for consideration, when

Mr. Carpentier moved to amend the fourth line of second section of the bill by striking out the word "forty," and inserting in lieu thereof the word "seventy."

Mr. Wall moved to amend the amendment by striking out the word "seventy," and inserting in lieu thereof the word "thirty."

On which the ayes and nays were demanded, and the amendment to the amendment was lost by the following vote :

AYES.

Messrs. Covarrubias,
Ewing,
Hally,
Herbert,
Hunt,
Huse,
Knight,
Letcher,
McFarland,

Messrs. McGarry,
McKamy,
McMeans,
Proctor,
Smith,
Taylor,
Wing,
Yeiser,
Speaker—18.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Caldwell,
Canney,
Carpentier,
Conness,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Heydenfeldt,
Hoff,
Johnson,

Messrs. Kittredge,
Leake,
Mandeville,
Meredith,
Moore,
Myres,
Oliver,
Owen,
Reading,
Redding,
Rogers,
Saunders,
Sime,
Walker,
Wells—30.

Mr. Crenshaw then moved to amend the amendment by striking out the word "seventy," and inserting in lieu thereof the word "sixty," and pending the consideration of the same, the hour of one o'clock, P. M., having arrived, the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

Mr. Canney moved a call of the House.

Which was sustained.

And on the roll being called, the following members were absent:—Messrs. Bell, Brush, Conness, Covarrubias, Fairfax, Garfield, Letcher, McCandless, Moore, Robinson and Walker.

On motion of Mr. Canney, further proceedings under the call were dispensed with.

The House then resumed the consideration of the subject it had under consideration at the time the House took a recess.

The question being on the adoption of the amendment to the amendment submitted by Mr. Crenshaw, to strike out the word "seventy," and insert in lieu thereof, the word "sixty."

The yeas and nays were demanded, and the amendment was adopted by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Canney,
Conness,
Cardozo,

Messrs. Mandeville,
Meredith,
McCandless,
McMahon,
Myres,

Messrs. Crenshaw,
Estep,
Gardner,
Garfield,
Hally,
Heydenfeldt,
Irwin,
Leake,

Messrs. Oliver,
Reading,
Redding,
Saunders,
Sime,
Taylor,
Thomas,
Wells—26.

NAYS.

Messrs. Carpentier,
Covarrubias,
Ewing,
Flower,
Herbert,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Knight,

Messrs. Martin,
McFarland,
McGarry,
McKamy,
McMeans,
Owen,
Proctor,
Rogers,
Smith,
Wing,
Speaker—22.

Mr. Crenshaw moved to amend the bill by striking out the word "forty," wherever it occurs in the third section, and insert, in lieu thereof, the word "sixty."

On which the ayes and nays were demanded, and the amendment was agreed to by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Canney,
Carpentier,
Conness,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Hally,
Heydenfeldt,
Hoff,
Irwin,
Knight,

Messrs. Martin,
Meredith,
McCandless,
McMahon,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Rogers,
Saunders,
Sime,
Taylor,
Thomas,
Wells—32.

NAYS.

Messrs. Covarrubias,
Ewing,
Herbert,
Hunt,
Huse,
Johnson,
Kittredge,
Mandeville.

Messrs. McFarland,
McGarry,
McKamy,
McMeans,
Smith,
Wing,
Yeiser,
Speaker—16.

Mr. Canney moved that the bill be ordered engrossed for a third reading on to-morrow.

Mr. Canney then moved the previous question.

And on the question, "Shall the main question now be put?" the ayes and nays were demanded, and the House refused to sustain the call for the previous question by the following vote:

AYES.

Messrs. Blake,
Boetwick,
Canney,
Crenshaw,
Estep,
Fairfax,
Haley,
Irwin,
Knight.

Messrs. Mandeville,
Meredith,
McLandless,
McMahon,
Oliver,
Redding,
Thomas,
Wells,
Wing—18.

NAYS.

Messrs. Bell,
Caldwell,
Carpenter,
Conness,
Covarrubias,
Ewing,
Flower,
Gardner,
Herbert,
Hendenfeldt,
Hed,
Hunt,
Huse,
Johnson,
Kittredge,
Martin,

Messrs. McFarland,
McGarry,
McKamy,
McMeans,
Moses,
Owen,
Proctor,
Reading,
Rogers,
Saunders,
Sime,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—32.

The question then being on ordering the bill to be engrossed for a third reading.

On which the ayes and nays were demanded ; it was decided in the negative by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Canney,
Conness,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Irwin,
Leake,
Mandeville,
Meredith,

Messrs. McCandless,
McMahon,
Myres,
Oliver,
Reading,
Redding,
Rogers,
Saunders,
Sime,
Taylor,
Thomas,
Wells,
Wing—26.

NAYS.

Messrs. Bell,
Caldwell,
Carpentier,
Covarrubias,
Ewing,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,

Messrs. Knight,
Letcher,
Martin,
McFarland,
McGarry,
McKamy,
McMeans,
Owen,
Proctor,
Smith,
Walker,
Yeiser,
Speaker—26.

Mr. Bell moved that the bill be indefinitely postponed.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Bell,
Covarrubias,
Herbert,
Heydenfeldt,
Hunt,
Kittredge,

Messrs. McFarland,
McGarry,
McKamy,
Proctor,
Smith—11.

NAYS.

Messrs. Blake,
 Bostwick,
 Caldwell,
 Canney,
 Carpentier,
 Conness,
 Crenshaw,
 Estep,
 Ewing,
 Fairfax,
 Flower,
 Gardner,
 Garfield,
 Hally,
 Hoff,
 Huse,
 Irwin,
 Johnson,
 Knight,
 Leake,
 Letcher,
 Mandeville,

Messrs. Martin,
 Meredith,
 McCandless,
 McMahan,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Owen,
 Reading,
 Redding,
 Rogers,
 Saunders,
 Sime,
 Taylor,
 Thomas,
 Tilghman,
 Walker,
 Wells,
 Wing,
 Yeiser,
 Speaker—44.

Mr. Canney moved that the bill be now ordered engrossed for a third reading.

On which the ayes and nays were demanded, and the bill was ordered to be engrossed by the following vote :

AYES.

Messrs. Blake,
 Bostwick,
 Canney,
 Conness,
 Crenshaw,
 Estep,
 Fairfax,
 Flower,
 Gardner,
 Garfield,
 Hally,
 Heydenfeldt,
 Hoff,
 Irwin,
 Johnson,
 Kittredge,
 Knight,
 Leake,
 Mandeville,

Messrs. Martin,
 Meredith,
 McCandless,
 McMahan,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Reading,
 Redding,
 Rogers,
 Saunders,
 Sime,
 Taylor,
 Thomas,
 Tilghman,
 Wells,
 Wing—37.

NAYS.

Messrs. Bell,
Caldwell,
Carpentier,
Covarrubias,
Ewing,
Herbert,
Hunt,
Huse,
Letcher,

Messrs. McFarland,
McGarry,
McKamy,
Owen,
Proctor,
Smith,
Walker,
Yeiser,
Speaker—18.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of Albert Putnam ; also

An Act Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices ; also

An Act to authorize County Recorders to administer oaths in certain cases ; also

An Act explanatory and supplementary to an Act providing an additional War Fund, approved April 16th, 1853 ; also

A bill for An Act to provide for the more perfect indexing and classification of the Land Records of the city and county of San Francisco.

The report was adopted.

Mr. Heydenfeldt moved to reconsider the vote by which the House, on yesterday, refused to adopt the Senate Concurrent Resolution, authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin valleys.

Which was agreed to.

The resolution was again read, and adopted.

On motion of Mr. McMeans, leave of absence was granted to Mr. Garfield for the remainder of the session.

Mr. Canney moved to rescind the rule whereby this House holds morning and afternoon sessions.

The ayes and nays were demanded, and the motion was carried by the following vote :

AYES.

Messrs. Bell,
Blake,
Canney,
Carpentier,
Cardozo,
Covarrubias,
Fairfax,
Flower,
Gardner,
Hally,
Heydenfeldt,
Huse,

Messrs. Irwin,
Martin,
Meredith,
McGarry,
McMeans,
Moore,
Myres,
Proctor,
Reading,
Rogers,
Walker,
Wells—24.

NAYS.

Messrs. Bostwick,
Caldwell,
Conness,
Crenshaw,
Estep,
Herbert,
Hoff,
Hunt,
Kittredge,
Letcher,
Mandeville,

Messrs. McFarland,
McKamy,
Oliver,
Owen,
Redding,
Saunders,
Sime,
Taylor,
Thomas,
Wing—21.

Mr. Bell presented the claim of James McLamar.

Which was read and referred to the Committee on Claims.

Mr. Canney presented a petition from citizens of Auburn, Placer county, praying for the passage of a law for the better observance of the Sabbath.

Which was read, and on motion of Mr. Canney, referred to a select committee of three, Messrs. Canney, Meredith and McCandless, who were appointed by the Chair.

Mr. Canney submitted the following resolution, which was read and laid upon the table.

Resolved, That all the bills which have been laid upon the table, be taken up daily during the session until disposed of, immediately after the reports of the committees.

On motion of Mr. Hally, Assembly bill for An Act to amend an Act entitled an Act for the Protection of Game, was taken from the table, read a third time and passed.

A message was received, informing the Assembly that the Senate, this day, concurred in the report of the committee of free conference on the disagreeing vote of the two Houses, upon an Act to fix the compensation of County Judges, and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 29, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Blake, Caldwell, Canney, Conness, Covarrubias, Fairfax, Flower, Gardner, Harrison, Herbert, Irwin, McGarry, McMahon, Moore, Myres, Proctor, Reading of Trinity, Robinson, Saunders, Smith, Thomas, Tilghman, Walker and Yeiser.

On motion, leave of absence was granted to Messs. Robinson and Johnson, for two days each.

The Journal of Thursday last was read and approved.

Mr. Cardozo, from the Committee on Commerce, reported back the petition of J. T. Dean praying for a grant of certain land in the city of Benicia, for the purpose of locating a United States Dry Dock, with a bill for An Act to authorize J. T. Dean to hold, use and occupy certain lands in the city of Benicia.

Which was read a first time, and laid over under the rules.

Mr. Wing, from the Committee on Public Expenditures, submitted the following report relative to compensating J. B. Trask. (See Appendix, No. 56.)

Which was read and adopted.

On motion of Mr. Redding of Yuba, the House then went into Committee of the whole (Mr. Kittredge in the chair,) on the consideration of Senate bill for An Act to compensate Dr. John B. Trask for his report on the Geology of the mineral districts, and to enable him to make further examinations, and having considered the same, the committee rose, reported the bill back to the House without amendment, recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which request was granted.

The bill was then read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, reported back three petitions from citizens of the towns of Union and Eureka, praying for a law to legalize the titles to certain lots in said towns, with a bill for An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county.

Which was read a first and second time, and laid over under the rules.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act prescribing the mode of appointing Auctioneers and defining

their duties, with a recommendation that it be considered in committee of the whole house.

The report was adopted, and the bill was made the special order for Tuesday next, May 3, 1853, at 12 o'clock, M.

Mr. Yeiser, from the same committee, reported back Assembly bill for An Act to provide for the appointment of Commissioners of Deeds and to define their duties, with a recommendation that it be passed.

The report was adopted, the bill considered, and ordered to be engrossed for a third reading.

Mr. McMeans moved that the House take up Assembly bill for An Act to provide for the Indigent Sick.

Which was agreed to.

Mr. McCandless moved that the bill be made the special order for Wednesday next.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Cardozo,
Covarrubias,
Fairfax,
Flower,
Hally,
Huse,
Irwin,
Knight,
McCandless,

Messrs. McGarry,
Moore,
Reading,
Rogers,
Saunders,
Sime,
Taylor,
Thomas,
Wells,
Yeiser—21.

NAYS.

Messrs. Bell,
Brush,
Caldwell,
Carpentier,
Conness,
Crenshaw,
Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Kittredge,
Leake,
Letcher,
Mandeville,

Messrs. Martin,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Proctor,
Redding,
Smith,
Walker,
Wing,
Speaker—31.

On motion of Mr. Moore, the bill was then laid on the table.

Mr. Carpentier moved that the vote by which the House refused to recede from their amendments to Senate bill for An Act concerning Notaries Public.

On which the ayes and nays were demanded, and the House reconsidered by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Carpentier,
Cardozo,
Ewing,
Flower,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Knight,
Leake,

Messrs. Meredith,
McGarry,
McKamy,
McMahon,
McMeans.
Moore,
Myres,
Owen,
Reading,
Redding,
Rogers,
Smith,
Thomas,
Walker,
Wing—31.

NAYS.

Messrs. Bostwick,
Caldwell,
Conness,
Covarrubias,
Crenshaw,
Estep,
Hally,

Messrs. Letcher,
Martin,
McCandless,
Oliver,
Sime,
Wells,
Speaker—14.

The question then being, "Will the House refuse to recede from their amendments to the bill?"

On which the ayes and nays were demanded, the question was lost by the following vote :

AYES.

Messrs. Bostwick,
Conness,
Crenshaw,
Estep,
Ewing,
Hally,
Hoff,
Letcher,

Messrs. Martin,
McFarland,
McKamy,
Oliver,
Taylor,
Wells,
Wing,
Speaker—16.

NAYS.

Messrs. Beli,
 Blake,
 Brush,
 Caldwell,
 Carpentier,
 Cardozo,
 Covarrubias,
 Flower,
 Harrison,
 Herbert,
 Hunt,
 Huse,
 Irwin,
 Kittredge,
 Knight,

Messrs. Leake,
 Mandeville,
 Meredith,
 McGarry,
 McMahon,
 Moore,
 Myres,
 Owen,
 Proctor,
 Reading,
 Rogers,
 Smith,
 Thomas,
 Walker—29.

The House then recessed from the amendments to the bill.

On motion of Mr. Myres, Assembly bill for An Act supplemental to an Act entitled an Act providing a Fund for a State Library, passed May 1, 1852, was taken from the table and considered, the rules were then suspended, and the bill was considered engrossed, read a third time and passed.

Mr. Wells, from the Committee on Claims, reported back the petitions of Orrin Bailly and others, praying for relief, with a bill for An Act for the relief of Orrin Bailly, and other persons therein mentioned for services rendered in behalf of the State.

Which was read a first and second time, the rules suspended.

The bill was then read a third time and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to provide for the payment of certain persons therein named, for services rendered and materials furnished ; and also

An Act to amend an Act to establish a standard of Weights and Measures, passed March 30, 1850. Having corrected a grammatical error in the fifth line of the fourth section of the last named bill, by changing the word " conflict " into " conflicts," and the word " are " into " is."

On motion of Mr. McFarland, Assembly bill for an Act to apportion the Senatorial and Assembly Districts of this State, was taken up.

Mr. McGarry moved a call of the House.

On which the ayes and nays were demanded, and the call was sustained by the following vote :

AYES.

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,
 Conness,
 Cardozo,

Messrs. Leake,
 Meredith,
 McMeans,
 Myres,
 Oliver,
 Owen,

Messrs. Crenshaw,
 Estep,
 Fairfax,
 Flower,
 Hally,
 Hoff,
 Irwin,

Messrs. Saunders,
 Taylor,
 Thomas,
 Walker,
 Wells,
 Wing,
 Yeiser—26.

NAYS.

Messrs. Caldwell,
 Carpentier,
 Covarrubias,
 Ewing,
 Hunt,
 Huse,
 Kittredge,
 Knight,
 Letcher,

Messrs. Martin,
 McCandless,
 McGarry,
 McKamy,
 Proctor,
 Reading,
 Smith,
 Speaker—17.

The roll was then called by the Clerk, and the following members were absent:

Messrs. Gardner, Heydenfeldt, Irwin, Mandeville, Moore, Rogers and Tilghman.

Messrs. Mandeville, Moore, Rogers and Heydenfeldt, appeared at the bar of the House, were admitted, excused and took their seats.

On motion of Mr. Blake, further proceedings under the call were dispensed with.

Mr. Ewing moved that the bill be made the special order for Friday next.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Bell,
 Carpentier,
 Covarrubias,
 Ewing,
 Flower,
 Hally,
 Heydenfeldt,
 Hunt,
 Huse,
 Kittredge,
 Knight,

Messrs. Martin,
 McCandless,
 McFarland,
 McGarry,
 McKamy,
 Proctor,
 Reading,
 Sime,
 Smith,
 Walker—21.

NAYS.

Messrs. Blake,
 Bostwick,

Messrs. McMahon,
 McMeans,

Messrs. Brush,
 Conness,
 Cardozo,
 Crenshaw,
 Estep,
 Fairfax,
 Herbert,
 Irwin,
 Leake,
 Letcher,
 Mandeville
 Meredith,

Messrs. Moore,
 Myres,
 Oliver,
 Owen,
 Redding,
 Rogers,
 Saunders,
 Taylor,
 Thomas,
 Wing,
 Speaker—27.

Mr. Myres moved that the House now go into committee of the whole for the purpose of considering the bill.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Blake,
 Bostwick,
 Brush,
 Conness,
 Cardozo,
 Crenshaw,
 Estep,
 Fairfax,
 Herbert,
 Hoff,
 Irwin,
 Leake,

Messrs. Mandeville,
 Meredith,
 McMeans,
 Moore,
 Myres,
 Oliver,
 Redding,
 Rogers,
 Thomas,
 Wells,
 Wing,
 Speaker—24.

NAYS.

Messrs. Bell,
 Caldwell,
 Carpentier,
 Covarrubias,
 Ewing,
 Flower,
 Hally,
 Heydenfeldt,
 Hunt,
 Huse,
 Kittredge,
 Knight,
 Letcher,

Messrs. Martin,
 McCandless,
 McFarland,
 McGarry,
 McKamy,
 Owen,
 Proctor,
 Reading,
 Saunders,
 Sime,
 Smith,
 Taylor,
 Yeiser—27.

On motion of Mr. McGarry, the bill was then referred to a select com-

mittee of seven, with instructions to report the same back to the House on Tuesday next.

The Chair announced as such committee, Messrs. McGarry, Heydenfeldt, McFarland, Hally, Wing, Irwin and Proctor.

A message was received informing the Assembly that the Senate, this day, passed, with amendments, Assembly bill for An Act to provide for the measurement of Lumber.

The bill was then taken up, and the Senate amendments were concurred in by the House.

Mr. Thomas, from the Committee on Engrossed bills, reported as correctly engrossed, An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1853, and the report was adopted.

On motion, at 5 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, April 30, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Blake, Canney, Carhart, Carpentier, Fairfax, Flower, Herbert, Huse, Leake, Martin, Meredith, McGarry, McKamy, Moore, Proctor, Tilghman and Walker.

On motion, leave of absence was granted to Mr. McGarry until Tuesday next.

The Journal of Friday last was read and approved.

Mr. Conness presented the petition of citizens of El Dorado county, that the poll tax now collected may be applied to the improvements of public roads.

Which was read, and referred to the Committee on Roads and Highways.

Mr. Smith presented the claims of certain citizens of Contra Costa county.

Which was read, and referred to the Committee on Claims.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to provide for the incorporation of Companies for the construction of Plank or Turnpike Roads; also,

An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, and recommended the passage of the last mentioned bill, and the rejection of the bill first mentioned in the report.

On motion of Mr. Reiding of Yuba, the House then went into committee of the whole (Mr. Mandeville in the chair) on the consideration of the bill for An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads; and having considered the same, the committee rose, reported the bill back to the House with amendments, recommended that they be adopted and that the bill be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments were then concurred in by the House; the rules suspended, the bill was then read a third time and passed.

On motion of Mr. Sime, Assembly bill for An Act to provide the incorporation of Companies for the construction of Plank or Turnpike Roads, was taken up, and indefinitely postponed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to authorize the issue of a duplicate twelve per cent. War Loan Bond to John C. Johnson; also.

An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1859.

Mr. Heydenfeldt, from the select committee, reported back Assembly bill for An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, with amendments, and recommended that the bill be passed.

On motion of Mr. Herbert, the House then went into committee of the whole (Mr. Hall in the chair) on the consideration of the bill; and having considered the same, the committee rose, and reported the bill back to the House with amendments, and recommended their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The House then concurred in the amendments, and the bill was considered engrossed, read a third time; and

On the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Hall,
Herbert,
Heydenfeldt,
Hunt,
Knight,

Messrs. Martin,
McCandless,
McKamy,
McMahon,
Owen,
Reading,
Redding,
Smith,
Walker,
Yeiser—21.

NAYS.

Messrs. Bostwick,
Brush,
Conness,
Crenshaw,
Gardner,
Letcher,
McFarland,
McMeans,

Messrs. Rogers,
Sime,
Taylor,
Thomas,
Wells,
Wing,
Speaker—15.

The following message, and accompanying communications of Theodore Payne & Co. and the Attorney-General, were received from the Governor, read, and referred to the Judiciary Committee :

EXECUTIVE DEPARTMENT, }
Benicia, April 30, 1853. }

To the Senate and Assembly of California :

I have the honor herewith to transmit a copy of a communication received on yesterday from the Hon. S. C. Hastings, Attorney-General, enclosing a note addressed him by Theodore Payne & Co., auctioneers, residing in the city of San Francisco. (See Senate Appendix, No. 68.)

The Attorney General, it will be seen, states that certain merchants and auctioneers of San Francisco have "confederated together" to resist the payment of the tax upon consigned goods ; and also the provisions of the law relative to auctioneers, so far as it pertains to the payment to the State of any duties collected by them upon personal and real property sold at auction.

It will be recollected that I directed the attention of the Legislature to this important subject in my annual message, at the commencement of the session ; but, at that time, was not apprized of the fact that, notwithstanding parties had "confederated together" to resist, in our courts, and on constitutional grounds, this provision of our revenue system, "State duties" were regularly collected on every sale made by them.

It would seem, from the acts of the parties "confederated together," that they regard the law so far constitutional as to authorize the collection of "State duties," but unconstitutional in the requirement to pay the amount, after collected, into the State Treasury.

The amount of "State duties" thus collected and now due by auctioneers in the city of San Francisco, in the opinion of Messrs. Theodore Payne & Co., as will be seen by reference to their statement herewith transmitted, "is probably not less than fifty thousand dollars." The Attorney-General has also given this subject careful investigation, and he believes that the amount is nearly, if not quite, one hundred thousand dollars.

The sum so collected, however—be it more or less—rightfully belongs to the State of California.

The amount refused to be paid over has been collected from various persons who have availed themselves of the services of auctioneers, and

who were no doubt informed, at the time of its payment, that it was "State duties." The item of revenue is too large, and the question involved too important, in its bearings upon the interests of the State, to be neglected; and, in my opinion, every means, consistent with the Constitution, should be employed to compel the payment of the money collected as "State duties" into the Treasury of the State.

It is true that I have directed the Attorney General to institute proceedings to compel the payment of the money, thus collected, into the State Treasury; but in view of the fact that, heretofore, successful resistance has been made to the execution of the provisions of the law in question, I deem it my duty to commend the subject to your consideration.

In this connection I would also respectfully recommend that in all cases of organized resistance to the Revenue Laws of the State,—such, for instance, as is stated to exist at present,—the Attorney-General be empowered to designate the county in which such cases, whether civil or criminal, shall be adjudicated.

JOHN BIGLER.

Mr. Covarrubias, from the select committee on Translations, reported back Senate bill for An Act to provide for the Translation of the Laws into the Spanish language, with a recommendation that the same be passed.

And the report was adopted.

The House then went into committee of the whole (Mr. Hoff in the chair) on the consideration of the bill; and having considered the same, the committee rose, reported it back to the House, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Conness, on leave, introduced a bill for An Act concerning Licenses.

Which was read a first and second time, and referred to the Committee on Ways and Means.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act concerning Notaries Public.

And the report was adopted.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act supplemental to an Act entitled an Act providing a Fund for a State Library; also,

An Act for the relief of Orrin Bailly, and other persons therein mentioned, for services rendered in behalf of the State; also,

An Act to provide for the appointment of Commissioners of Deeds, and to define their duties.

And the report was adopted.

Mr. Hally, from the select committee, reported back Assembly bill for An Act for the protection of persons who may settle upon private lands in this State, with amendments, and recommended their adoption and the passage of the bill.

The report was adopted, and, with the bill, referred to the Judiciary

Committee, with instructions to report on Wednesday next, and the bill was made the special order for that day.

The following message was received from the Senate :

Mr. Speaker:

The Senate passed, on the 28th, An Act to define rights of claimants to the waters of streams in the mining districts of this State for mining purposes.

And on the 29th, with amendments, Assembly bill for An Act to provide for the better publication of official and legal notices.

And also, on the 29th, An Act explanatory and supplementary to An Act providing an additional War Fund, approved April 16th, 1853.

And on the 26th instant, An Act to amend an Act concerning Corporations, passed April 22d, 1850.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 30, 1853.

Senate bill for An Act to define the rights of claimants to the waters of streams in the mining districts of this State, for mining purposes, was then read twice, and referred to the Committee on Mines and Mining Interests.

Assembly bill for An Act to provide for the better publication of official and legal notices, as amended by the Senate, was then taken up, and the amendments concurred in.

Senate bill for An Act to amend an Act entitled an Act concerning Corporations, passed April 22d, 1850, was then read twice, and referred to the Committee on Corporations.

The following message was received from the Senate :

Mr. Speaker:

The Senate passed, this day, with an amendment, Assembly bill for An Act to amend an Act concerning the office of County Assessor, passed March 27th, 1850.

And a bill for An Act for the payment of certain persons, therein named, for labor performed and materials furnished.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 30, 1853.

Assembly bill for An Act to amend an Act concerning the office of County Assessor, passed March 27th, 1850, as amended by the Senate, was then taken up, and the amendments concurred in by the House.

Senate bill for An Act for the payment of certain persons, therein

named, for labor performed and materials furnished, was then read twice and referred to the Committee on Claims.

On motion of Mr. Carpentier, Assembly bill for An Act to amend an Act to regulate proceedings in criminal cases, passed May 1st, 1851, was taken from the table, amended, read a third time and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

An Act to amend the sixteenth section of an Act entitled an Act to provide for Funding the Debt of San Joaquin county, for the payment of the interest thereon, and for the gradual liquidation of the debt; passed April 20th, 1852. Also,

An Act to provide for the measurement of Lumber.

And the report was adopted.

On motion of Mr. Heydenfeldt, Assembly bill for An Act for the relief of the claimants of lots or blocks of lands in the towns of Union and Eureka, in Trinity county, was taken up, read a third time; and

On the question, "Shall the bill now be passed?" the yeas and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Cardozo,
Ewing,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Knight,
Meredith,

Messrs. McMeans,
Owen,
Proctor,
Reading,
Sime,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—21.

NAYS.

Messrs. Brush,
Caldwell,
Carpentier,
Conness,
Crenshaw,
Estep,
Fairfax,
Gardner,

Messrs. Kittredge,
Letcher,
Mandeville,
Myres,
Redding,
Thomas,
Wells,
Wing—16.

Mr. Wall moved to reconsider the vote just taken.

On which the ayes and nays were demanded, and the House refused to reconsider by the following vote:

AYES.

Messrs. Brush,
Caldwell,
Carpentier,
Conness,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Gardner,
Kittredge,

Messrs. Letcher,
Mandeville,
Meredith,
Myres,
Redding,
Thomas,
Wells,
Wing,
Speaker—16.

NAYS.

Messrs. Bell,
Blake,
Cardozo,
Ewing,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Knight,

Messrs. McFarland,
McMeans,
Owen,
Proctor,
Reading,
Sime,
Smith,
Taylor,
Yeiser—19.

Mr. Reading, of Trinity, moved that the House adjourn until Monday next, at 7½ o'clock, P. M.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Mr. Carpentier,

Mr. Myres—2.

NAYS.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Conness,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Hally,
Herbert,
Heydenfeldt,

Messrs. Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Owen,
Reading,
Redding,
Saunders,
Smith,
Taylor,
Thomas,
Wells,

Messrs. Hoff,
Kittredge,
Knight,
Letcher,

Messrs. Wing,
Yeiser,
Speaker—33.

On motion, at 5 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, May 2, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Blake, Carpentier, Conness, Cardozo, Covarrubias, Fairfax, Flower, Gardner, Herbert, Heydenfeldt, Huse, Irwin, Johnson, Knight, Leake, Martin, McGarry, Moore, Oliver, Proctor, Reading of Trinity, Robinson, Rogers, Sime, Smith, Taylor, Tilghman, Walker, Wing and Yeiser.

No quorum present.

Mr. McFarland moved a call of the House.

Which was sustained, and on the roll being called all the above nineteen members were absent.

The Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Wing and Gardner, appeared at the bar of the House, were admitted and took their seats.

On motion of Mr. Canney, further proceedings under the call were dispensed with.

The Journal of Saturday last was read and approved.

Mr. Wing presented the petition of certain citizens of Contra Costa county, remonstrating against being set off into Alameda county.

Which was read and laid on the table.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act for the relief of C. E. Pickett, with a recommendation that the same be referred to the Committee on State Hospitals.

The report was adopted, and the bill referred as recommended.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, and the report was adopted.

Mr. McMeans submitted a resolution in relation to a prospective war with Mexico.

Which was read and laid on the table.

Mr. Brush submitted a Joint Resolution concerning Elections.

Which was read a first and second time, and amended.

When Mr. Hoff moved a call of the House, which was sustained.

And on the roll being called, the following members were absent :

Messrs. Blake, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Fairfax, Flower, Herbert, Heydenfeldt, Huse, Irwin, Johnson, Knight, Leake, Martin, Meredith, McMahon, Moore, Oliver, Proctor, Reading of Trinity, Robinson, Rogers, Sime, Smith, Taylor, Tilghman, Walker, and Yeiser.

On motion, further proceedings under the call were dispensed with.

The Joint Resolution was then read a third time and passed.

Mr. Gardiner, from the Committee on Mines and Mining Interests, reported back Assembly bill for An Act for the protection of persons owning timber logs, and lumber floating upon waters, or carried upon adjoining lands, with a recommendation that the same be passed.

The report was adopted, and the bill was then considered, amended, and laid on the table.

On motion, at one o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, May 3, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were found absent :

Messrs. Blake, Bostwick, Cabaniss, Carhart, Covarrubias, Gardner, Reading of Trinity, and Smith.

On motion, leave of absence for one day was granted to Mr. Blake.

The Journal of Monday last was read and approved.

The following communication was received from the Comptroller of State.
(See Appendix, No. 59.)

Which was read, laid on the table, and two hundred and forty copies ordered printed.

Mr. McCandless presented the petition of certain citizens of Coloma, El Dorado county, praying for the passage of a law which shall combine the essential principles of the Maine Liquor Law.

Which was read, and referred to Mr. McCandless.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act concerning Licenses, with a recommendation that the same be passed.

On motion of Mr. McMeans, the House then went into committee of the whole, Mr. Owen in the chair, on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House, and asked leave to sit again.

Which was granted, and the bill was then laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads;

Also, a Joint Resolution concerning Elections.

And the report was adopted.

Mr. Owen moved that the select committee to whom was referred Assembly bill, An Act to apportion the Senatorial and Assembly Districts of the State, have until Thursday next to make their report.

On which the ayes and nays were demanded, and it was decided in the affirmative, by the following vote:

AYES.

Messrs. Brush,
Caldwell,
Carpentier,
Cardozo,
Ewing,
Fairfax,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Johnson,
Kittredge,

Messrs. Knight,
Martin,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Proctor,
Sime,
Taylor,
Thomas,
Walker—25.

NAYS.

Messrs. Bell,
Cabaniss,
Canney,
Conness,
Crenshaw,
Flower,
Hoff,
Leake,
Letcher,
Mandeville,

Messrs. Meredith,
McMahon,
Moore,
Myres,
Oliver,
Redding,
Rogers,
Wells,
Wing,
Speaker—20.

Mr. Canney then moved that the bill be made the special order for Thursday, immediately after the calling of the committees.

Which was agreed to.

Mr. Canney, from the Committee of Free Conference, on the disagreeing vote of the two Houses on Senate bill for An Act to fix the compensation of County Judges and of Associate Justices of the Courts of Sessions, and to repeal a like Act passed April 1850, submitted a report.

Which was laid on the table.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act explanatory and supplementary to an Act approved April 16, 1853, providing an additional War Fund.

Also, An Act to provide for the better publication of Official and Legal Notices.

And the report was adopted.

Mr. Owen, from the Committee on Corporations, reported back An Act to amend an Act entitled an Act concerning Corporations, passed April 22, 1850, with a recommendation that the same be passed.

The report was adopted, and the bill was read a third time and passed.

A message was received from the Governor, informing the Assembly that he this day approved An Act to provide for the Measurement of Lumber;

Also, An Act to provide for the better publication of Official and Legal Notices;

Also, An Act explanatory and supplementary to an Act approved April 16, 1853, providing an additional War Fund.

Mr. McCandless submitted a resolution, authorizing the Committee on Indian Affairs to employ a Clerk.

Which was read and laid on the table.

Mr. Kittredge submitted a resolution, fixing the compensation of the Clerk and Assistant Clerk of this House.

Which was read, when Mr. McConness moved that it be indefinitely postponed.

On which Messrs. Conness, Cabaniss and Robinson demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Caldwell,
Conness,
Estep,
Ewing,
Flower,
Gardner,
Hoff,
Johnson,

Messrs. Letcher,
Mandeville,
Martin,
Meredith,
Owen,
Robinson,
Sime,
Wing—16.

NAYS.

Messrs. Bell,
Bostwick,
Brush,

Messrs. McKamy,
McMahon,
McMeans,

Messrs. Cabaniss,
Cardozo,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Irwin,
Kittredge,
Knight,
Leake,
McCandless,
McFarland,

Messrs. Moore,
Myres,
Oliver,
Proctor,
Redding,
Rogers,
Saunders,
Taylor,
Thomas,
Walker,
Wells,
Yeiser—31.

Mr. Canney then moved that the resolution be laid on the table.

On which the ayes and nays were demanded by Messrs. Conness, Cabaniss and Robinson, and the motion was lost by the following vote :

AYES.

Messrs. Brush,
Canney,
Crenshaw,
Estep,
Ewing,
Flower,
Harrison,
Hoff,
Hunt,
Knight,
Martin,

Messrs. Meredith,
McKamy,
McMeans,
Oliver,
Owen,
Proctor,
Redding,
Saunders,
Wilson,
Wing—21.

NAYS.

Messrs. Bell,
Caldwell,
Carpentier,
Conness,
Cardozo,
Gardner,
Herbert,
Heydenfeldt,
Huse,
Irwin,
Johnson,
Kittredge,
Leake,

Messrs. Letcher,
Mandeville,
McCandless,
McMahon,
Myres,
Robinson,
Rogers,
Sime,
Taylor,
Thomas,
Walker,
Wells,
Yeiser—26.

The question then recurring on the adoption of the resolution.

On which the ayes and nays were demanded by Mr. Conness, Cabaniss, and Robinson.

The resolution was lost by the following vote :

AYES.

Messrs. Bell,
Carpentier,
Cardozo,
Herbert,
Heydenfeldt,
Huse,
Irwin,
Knight,
Leake,
McMahon,
McMeans,

Messrs. Myres,
Oliver,
Proctor,
Redding,
Rogers,
Saunders,
Thomas,
Wells,
Wilson,
Yeiser—21.

NAYS.

Messrs. Bostwick,
Brush,
Caldwell,
Canney,
Conness,
Crenshaw,
Estep,
Ewing,
Flower,
Gardner,
Hally,
Harrison,
Hoff,
Hunt,

Messrs. Johnson,
Kittredge,
Letcher,
Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
Owen,
Robinson,
Sime,
Taylor,
Walker,
Wing—28.

Mr. Leake, on leave, introduced a bill for An Act to authorize the County Surveyor of the county of Calaveras, to rent an Office.

Which was read a first and second time, the rules were suspended, it was then read a third time, and passed.

Mr. Canney from the select committee to whom was referred Assembly bill for An Act providing for the disposition of certain property, with a verbal recommendation that the same be indefinitely postponed.

The report was adopted, and the bill was indefinitely postponed.

On motion of Mr. Mandeville, Senate bill for An Act to amend an Act entitled an Act concerning Toll Bridges, was taken from the table and referred to the Judiciary Committee.

Mr. Thomas from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county ;

Also, An Act to amend an Act to regulate proceedings in criminal cases, passed May 1st, 1851.

And the report was adopted.

On motion of Mr. Brush, Assembly bill for An Act to provide for the indigent sick, was taken from the table, and the House went into committee of the whole, (Mr. Canney in the chair,) on the consideration of the bill, and having considered the same, the committee rose, reported the bill back to the House with amendments, recommended that the bill be passed, and asked to be discharged from further consideration of the subject.

Which request was granted.

Mr. Leake then moved to recommit the bill to the Committee on State Hospitals, with instructions to report an amendment giving to the city of San Francisco a sufficient portion of the passenger tax to compensate said city for taking care of the insane portion of indigent sick existing in said city in consequence of that being the principal port at which the immigration arrives in this State.

And the motion was agreed to.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

An Act to provide for the better publication of official and legal notices;

Also, An Act explanatory and supplementary to an Act approved April 16, 1853, providing an additional War Fund.

Mr. Bostwick submitted the following report, which was read and adopted.

Mr. Speaker :

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor for his approval:

An Act to amend an Act entitled an Act to establish a standard of weights and measures, passed March 30, 1850 ;

Also, An Act to provide for the payment of certain persons therein named, for services rendered and material furnished ;

Also, An Act to authorize the issue of a duplicate 12 per cent. War Loan Bond, to John C. Johnston ;

Also, An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1850 ;

Also, An Act concerning Notaries Public ;

Also, An Act to provide for the measurement of Lumber ;

And An Act to amend the sixteenth section of an Act entitled an Act to provide for funding the debt of San Joaquin county, for the payment of the interest thereon and for the gradual liquidation of the debt, passed April 20, 1852.

JOHN H. BOSTWICK,
Ch. of Assembly Committee.

Assembly bill for An Act prescribing the mode of appointing auctioneers and defining their duties, made the special order for this day, was taken up and laid on the table.

Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing, and collecting Public Revenue, approved April 23, 1852, was then taken up and read a third time, when,

Mr. Carpenter moved that the bill be recommitted to the Committee on Ways and Means, with instructions to report an amendment to section three by inserting after the figures "1852," in line twenty one, the following words:

"And five cents of the said sixty cents for the support of common schools."

On which, the ayes and nays were demanded and the motion was lost by the following vote:

AYES.

Messrs. Brush,
Carpentier,
Cardozo,
Covarrubias,
Flower,
Heydenfeldt,
Hoff,
Hunt,
Huse,

Messrs. Kittredge,
Letcher,
McKamy,
Robinson,
Taylor,
Walker,
Wing,
Yeiser,
Speaker—18.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Canney,
Conness,
Crenshaw,
Estep,
Gardner,
Hally,
Herbert,
Irwin,

Messrs. Johnson,
Meredith,
Moore,
Myres,
Oliver,
Owen,
Proctor,
Redding,
Thomas,
Wells—21.

Mr. Canney moved a call of the House,
Which was sustained.

And on the roll being called, the following members were found absent:

Messrs. Bostwick, Carhart, Ewing, Fairfax, Herbert, Heydenfeldt, Martin, McFarland, Robinson, Rogers, Smith, and Tilghman.

Messrs. Bostwick, Fairfax and Herbert, appeared at the bar of the House, were admitted, excused, and took their seats.

On motion, further proceedings under the call were dispensed with.

Mr. Canney then moved that the bill now be passed.

On which the ayes and nays were demanded.

And the bill was passed by the following vote:

AYES.

Messrs. Brush,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Gardner,
Harrison,
Hoff,
Irwin,
Kittredge,
Leake,

Messrs. Mandeville,
Martin,
Meredith,
Moore,
Myres,
Oliver,
Owen,
Reading,
Redding,
Saunders,
Sime,
Thomas,
Walker,
Wells,
Wilson,
Wing—32.

NAYS.

Messrs. Covarrubias,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Johnson,
Knight,

Messrs. Letcher,
McCandless,
McKamy,
McMeans,
Proctor,
Taylor,
Yeiser,
Speaker—17.

Mr. Crenshaw, on leave, introduced a bill for An Act in relation to Clerks in the office of Comptroller of State, and to provide for their pay.

Which was read a first and second time, and referred to the Committee on Ways and means.

On motion of Mr. McCandless, Assembly Resolution in relation to a prospective war with Mexico, was taken from the table, when,

On leave, Mr. McMeans withdrew the resolution.

On motion of Mr. Owen, Assembly bill for An Act to suppress Gambling was taken from the table, and the House went into committee of the whole (Mr. Fairfax in the chair) on the consideration of the bill, and having considered the same, the committee rose and reported it back to the House, with amendments, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. Owen, the amendments to the bill, made in committee of the whole, were then concurred in, and the bill was referred to a select committee of five.

The chair announced as such committee, Messrs. Owen, Bostwick, Conness, Johnson, and Heydenfeldt.

A message was received from the Senate, informing the Assembly that the Senate this day passed An Act for the relief of William Wakko.

On motion of Mr. Leake, Assembly bill for An Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers, was taken from the table, and the House went into committee of the whole (Mr. Moore in the chair) on the consideration of the bill, and having made some progress thereon, the committee rose and reported the same to the House, and asked leave to sit again.

Which was granted, and the bill was laid on the table.

Mr. McMahon, on leave, introduced a bill for An Act to allow the people of Klamath County to vote for a County Seat.

Which was read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. Carpentier, on leave, introduced a bill for An Act to amend an Act to regulate proceedings in criminal cases.

Which was read a first time, and laid over under the rules.

Mr. Heydenfeldt gave notice that, at the expiration of five days, he would introduce a bill to provide for calling a Convention to amend and revise the entire Constitution of the State; also, that he would, at an early day, introduce a bill for An Act to provide for raising Volunteer Companies for the protection of the southern frontier.

On motion of Mr. Hally, Assembly bill for An Act to secure to settlers a pre-emption right to the overflowed and swamp lands of this State, was taken from the table, and referred to the Select Committee on Swamp Lands.

On motion of Mr. Hally, Assembly bill for An Act concerning Animals, was taken up, read a second time, and referred to the same as above.

On motion, at 5 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, May 4, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Bell, Conness, Flower, Gardner, Heydenfeldt, Irwin, Proctor, Reading of Trinity, Smith, and Walker.

On motion, leave of absence, for one day each, was granted to Messrs. Heydenfeldt and Irwin.

The Journal of Tuesday last was read and approved.

Mr. Cardozo presented the memorial of certain citizens of San Francisco, in relation to a Railroad from the Pacific to the valley of the Mississippi.

Which was read, laid on the table, and two thousand copies ordered to be printed. (See Appendix 58.)

Mr. Canney presented the petition of Mrs. Silvey Miller, praying for relief.

Which was read, and referred to the Committee on Claims.

Mr. Crenshaw, from the Committee on Claims, submitted the following report, which was read, and concurred in by the House.

Mr. Speaker :

The Committee on Claims, to whom was referred the petition of James Austin, have considered the same, and ask leave to submit the following report :

We find the petitioner grounding his claim to the relief asked for upon the following facts. In April, 1850, he alleges he bought bonds of the State endorsed by Governor Burnett, and placed them in the safe of Berford & Co., to the amount of \$1,050, that said bonds were consumed by fire on the 4th of May, 1850.

We find that said Austin applied for relief at the next session of the Legislature, 1851. The claim was referred to a select committee, who reported back the petition, with a resolution referring it to Committee on Public Expenditures ; report and resolution laid on the table ; afterwards referred to Committee on Claims, who reported back, referring it to Committee on Public Expenditures ; Committee on Public Expenditures, under instructions, reported back a bill for his relief, which bill was indefinitely postponed. At the last session of the Legislature we can find no trace of said claim.

Your committee find that said petitioner is unable to identify said bonds in any way, either by date, name or number, so that it is impossible for us to ascertain whether said bonds have ever been redeemed or not. We are

of the opinion, that the precedent established by the payment of such a claim would be injurious to the interest of the State.

We think, therefore, the prayer of the petitioner should not be granted.

CRENSHAW,
Chairman.

Mr. Crenshaw, from the Committee on Claims, reported back Assembly Joint Resolution for the relief of C. H. Veeder, with an amendment, and recommended that the resolution be passed.

The report was adopted, and the resolution was recommitted with instructions to report a bill.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act in relation to Clerks in the office of Comptroller of State, and to provide for their pay, without recommendation.

On motion of Mr. Crenshaw, the House then went into committee of the whole, Mr. Canney in the chair, on the consideration of the bill, and having considered the same the committee rose, reported the bill back to the House and recommended that the same be passed, and asked to be discharged from further consideration of the subject.

The bill was then considered engrossed, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded by Messrs. Conness, Brush and Robinson, and the bill was passed by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Cardozo,
Crenshaw,
Estep,
Ewing,
Harrison,
Herbert,
Hunt,
Huse,
Kittredge,
Knight,
Letcher,
Meredith,
McCandless,

Messrs. McFarland,
McKamy,
McMeans,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Robinson,
Rogers,
Saunders,
Sime,
Thomas,
Walker,
Wells,
Wilson,
Wing,
Speaker—36.

NAYS.

Messrs. Caldwell,
Conness,
Hally,

Messrs. Johnson,
Martin—5.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act for the relief of Mr. Waldo.

Mr. Bostwick, from the same committee, reported that they had this day presented to the Governor, for his approval, An Act for the relief of William Waldo.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly bill for An Act to provide for the Measurement of Goods, with a substitute entitled An Act for the Measurement of Merchandise arriving in the port of San Francisco, with a recommendation that it be adopted and passed.

The report was adopted, and the substitute, with the bill, was laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to authorize the County Surveyor of the county of Calaveras to rent an Office;

Also, An Act to allow the people of Klamath county to vote for a County Seat.

And the report was adopted.

Mr. McFarland, from the Committee on State Hospitals, to whom was recommitted Assembly bill for An Act to provide for the Indigent Sick, reported the same back with amendments, in accordance with the special instructions, and recommended their adoption and the passage of the bill.

The amendments were then adopted by the House.

Mr. Johnson moved that the bill be again recommitted, with special instructions to report an amendment striking out "Court of Sessions," wherever it occurs in the bill and insert as follows: "The Board of Supervisors, or if there shall be no Board of Supervisors then the Court of Sessions."

On which the ayes and nays were demanded, and the House refused to recommit, by the following vote:

AYES.

Messrs. Blake,
Brush,
Carhart,
Carpentier,
Covarrubias,
Ewing,
Fairfax,
Flower,
Gardner,
Hally,
Hoff,
Huse,
Johnson,

Messrs. Kittredge,
Knight,
Letcher,
Meredith,
McCandless,
McMahon,
Moore,
Robinson,
Saunders,
Sime,
Taylor,
Walker—25.

NAYS.

Messrs. Cabaniss,
Caldwell,
Canney,
Conness,
Cardozo,
Crenshaw,
Estep,
Harrison,
Herbert,
Hunt,
Leake,
Martin,
McFarland,

Messrs. McKamy,
McMeans,
Myres,
Owen,
Proctor,
Redding,
Rogers,
Thomas,
Wells,
Wing,
Yeiser,
Speaker—25.

Mr. Crenshaw moved that the bill be ordered engrossed.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Blake,
Conness,
Cardozo,
Crenshaw,
Estep,
Ewing,
Harrison,
Herbert,
Hunt,
Leake,
Martin,
McFarland,

Messrs. McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Wells,
Wilson,
Wing,
Yeiser—23.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Canney,
Carhart,
Carpentier,
Covarrubias,
Fairfax,
Flower,
Gardner,
Hally,

Messrs. Kittredge,
Knight,
Letcher,
Meredith,
McCandless,
Moore,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Thomas,

Messrs. Hoff,
Huse,
Johnson,

Messrs. Tilghman,
Walker,
Speaker—30.

Mr. Redding of Yuba moved to reconsider the vote by which the House refused to recommit, with the instructions submitted by Mr. Johnson.

Which was agreed to, and the bill was then recommitted in accordance with those instructions.

Mr. Moore, from the Judiciary Committee, reported back Assembly bill for An Act for the protection of persons who may settle upon private lands in this State, without recommendation.

The bill was laid on the table.

Mr. Moore, from the same committee, reported back Assembly bill, An Act to protect the settlers upon unoccupied lands of this State, without recommendation.

The bill was laid on the table.

Mr. Estep from the Committee on State Hospitals, reported back Senate bill for An Act for the relief of C. E. Pickett, without amendment, and recommended its passage.

The report was adopted and the House went into committee of the whole, Mr. Fairfax in the chair, on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House without amendment, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was lost by the following vote:

AYES.

Messrs. Brush,
Canney,
Carpentier,
Ewing,
Gardner,
Huse,
Kittredge,
Leake,

Messrs. McKamy,
Myres,
Proctor,
Reading,
Redding,
Tilghman,
Wing,
Speaker—16.

NAYS.

Messrs. Blake,
Crenshaw,
Flower,
Hally,
Hoff,
Johnson,
Letcher.

Messrs. Owen,
Robinson,
Rogers,
Sime,
Taylor,
Thomas,
Walker.

Messrs. Martin,
McCandless,
McMeans,
Oliver,

Messrs. Wells,
Wilson,
Yeiser—21.

Mr. McMeans moved to reconsider the vote just taken, by which the House refused to pass the bill.

On which the ayes and nays were demanded, and the vote was reconsidered by the following vote :

AYES.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Cardozo,
Estep,
Ewing,
Gardner,
Hally,
Hunt,
Huse,
Kittredge,
Leake,
McFarland,

Messrs. McKamy,
McMahon,
McMeans,
Myres,
Proctor,
Redding,
Rogers,
Thomas,
Tilghman,
Walker,
Wilson,
Wing,
Yeiser,
Speaker—28.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Hoff,
Johnson,
Letcher,
Martin,

Messrs. McCandless,
Oliver,
Owen,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Wells—19.

On motion of Mr. McMeans, the vote by which the bill was read a third time was then reconsidered, and on leave the motion to read the bill a third time was withdrawn.

Mr. McMeans then moved to amend by striking out in the last line of the bill the words "Hospital Fund," and inserting the words "General Fund."

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Cardozo,
Estep,
Ewing,
Flower,
Gardner,
Hunt,
Huse,
Kittredge,
Leake,
McFarland,

Messrs. McKamy,
McMahon,
McMeans,
Proctor,
Redding,
Rogers,
Saunders,
Taylor,
Thomas,
Walker,
Wing,
Yeiser,
Speaker—27.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Conness,
Crenshaw,
Hally,
Hoff,
Johnson,

Messrs. Letcher,
Oliver,
Owen,
Robinson,
Sime,
Tilghman,
Wells,
Wilson—16.

Mr. Leake moved that the bill be now read a third time.

Which was agreed to, and the bill was then read a third time.

Mr. Johnson moved a call of the House.

On which the ayes and nays were demanded, and the call was sustained by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Cardozo,
Crenshaw,
Flower,
Hally,
Hoff,
Hunt,
Johnson,
Letcher,
McMeans,

Messrs. Oliver,
Owen,
Redding,
Rogers,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Wells,
Wilson,
Wing,
Yeiser—29.

NAYS.

Messrs. Bell,	Messrs. McFarland,
Canney,	McKamy,
Estep,	McMahon,
Ewing,	Proctor,
Huse,	Tilghman,
Kittredge,	Speaker—13.
Leake,	

The roll was called by the Clerk, and the following members were absent:

Messrs. Caldwell, Carhart, Covarrubias, Fairfax, Harrison, Herbert, Knight, Martin, Meredith, McCandless, Moore and Smith.

Mr. McCandless appeared at the bar of the House, was admitted, excused, and took his seat.

The call was then dispensed with.

The question recurring on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote:

AYES.

Messrs. Bell,	Messrs. McFarland,
Brush,	McKamy,
Canney,	McMahon,
Carpentier,	McMeans,
Cardozo,	Myres,
Estep,	Proctor,
Ewing,	Redding,
Gardner,	Rogers,
Hunt,	Tilghman,
Huse,	Walker,
Kittredge,	Wing,
Leake,	Yeiser,
McCandless,	Speaker—26.

NAYS.

Messrs. Blake,	Messrs. Mandeville,
Bostwick,	Oliver,
Cabaniss,	Owen,
Conness,	Robinson,
Orenshaw,	Saunders,
Flower,	Sime,
Hally,	Taylor,
Hoff,	Thomas,
Johnson,	Wells,
Letcher,	Wilson—20.

Mr. McFarland, from the Committee on State Hospitals, to whom was recommitted Assembly bill for An Act to provide for the Indigent Sick, with special instructions, reported the same back, with the following amendment, to be inserted as section eighteen.

"Sec. 18. In all counties where a Board of Supervisors is or may be established by law, and shall not be abolished by this Legislature, said Board shall perform exclusively all the duties imposed by this Act upon the Court of Sessions."

On the adoption of which, the ayes and nays were demanded.
And the amendment was agreed to by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Carpentier,
Conness,
Crenshaw,
Estep,
Ewing,
Fairfax,
Hoff,
Hunt,
Huse,
Kittredge,
Leake,

Messrs. Mandeville,
McFarland,
McKamy,
McMahon,
McMeans,
Moore,
Oliver,
Owen,
Proctor,
Redding,
Rogers,
Saunders,
Taylor,
Wells,
Wilson,
Wing—33.

NAYS.

Messrs. Hally,
Johnson,
Letcher,

Messrs. Reading,
Robinson,
Sime—6.

Mr. Johnson then moved to amend the section just adopted, by the following words:

"*Provided*, In the Counties of Sacramento and Santa Clara, the Board of Supervisors shall perform the duties as provided in this Act, whilst the same are in office."

On the adoption of which, the ayes and nays were demanded.
And the amendment was agreed to by the following vote :

AYES.

Messrs. Carpentier,
Conness,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Hoff,
Huse,
Johnson,
Letcher,
Moore,

Messrs. Oliver,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,
Wing,
Speaker—24.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Canney,
Estep,
Ewing,
Hunt,
Kittredge,
Leake,
Mandeville,

Messrs. Martin,
McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Tilghman,
Walker,
Wells,
Wilson—21.

Mr. McMeans moved that the bill now be ordered engrossed.
On which the ayes and nays were demanded.
And it was decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Hoff,
Hunt,
Huse,

Messrs. Letcher,
Mandeville,
Martin,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Saunders,
Sime,
Taylor,
Wells,

Messrs. Kittredge,
Leake,

Messrs. Wilson,
Wing—34.

NAYS.

Messrs. Canney,
Cardozo,
Covarrubias,
Hally,
Johnson,
McCandless,
Moore,

Messrs. Proctor,
Reading,
Robinson,
Tilghman,
Walker,
Speaker—13.

Mr. Bell gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

Mr. Saunders, from the San Francisco delegation, reported back the petition of the Board of Supervisors of the County of San Francisco, praying for certain amendments to the Act creating a Board of Supervisors in the various counties, and defining their duties and powers, with a bill for An Act to amend an act entitled an Act to create a Board of Supervisors, for the Counties of this State, and to define their duties and powers.

Which was read a first time, laid over under the rules, and ordered not to be printed.

Mr. Tilghman, from the San Diego delegation, reported back Senate bill for An Act authorizing the Board of Supervisors of San Diego County to levy a special tax for the erection of a County Jail, without amendment, and recommended that it be passed.

The report was adopted, and the bill was then read a third time and passed.

Mr. Hally, from the select committee to whom was referred Assembly bill for An Act concerning Stray Animals, reported the same back, with a verbal report recommending that it be passed.

The House then went into committee of the whole (Mr. Moore in the chair) on the consideration of the bill, and having made some progress thereon, the committee rose and reported the same back to the House, and asked leave to sit again.

Which was granted, and the bill was referred to a select committee of five.

The Chair announced as such committee, Messrs. Ewing, Letcher, Brush, Cabaniss and Tilghman.

On motion of Mr. Leake, Assembly bill for An Act amendatory of an act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians, passed May 3d, 1852, was taken from the table, considered engrossed, read a third time and passed.

Mr. Johnson presented the memorial of citizens of Sacramento County, praying for a repeal of the Act concerning lawful Fences, and animals trespassing on premises lawfully enclosed.

Which was read, and referred to the Committee on Agriculture.

Mr. Moore moved that the House do now adjourn.
On which the ayes and nays were demanded.
And the House adjourned by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Cardozo,
Flower,
Leake,
Mandeville,
McKamy,
McMahon,

Messrs. McMeans,
Moore,
Myres,
Proctor,
Reading,
Redding,
Sime,
Taylor,
Thomas,
Yeiser,
Speaker—22.

NAYS.

Messrs. Carpentier,
Covarrubias,
Crenshaw,
Estep,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,

Messrs. Letcher,
Martin,
McCandless,
McFarland,
Oliver,
Owen,
Rogers,
Tilghman,
Wells—18.

HOUSE OF ASSEMBLY.

THURSDAY, May 5, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Bostwick, Covarrubias, Fairfax, Herbert, Leake, McGarry, McMeans, Oliver, Smith, Tilghman and Walker.

On motion, leave of absence for one day each was granted to Messrs. McMeans and McGarry.

The Journal of Wednesday last was read and approved.

Mr. Canney reported back the petition of citizens of Contra Costa, praying for a reduction of the salary of the County Judge of that county, with a recommendation that it be laid on the table.

The report was then adopted, and the petition laid on the table.

Mr. Heydenfeldt, from the Judiciary Committee, reported back Assembly bill for An Act to amend an Act entitled an Act concerning the office of Public Administrator and making it elective, passed April 15, 1851, with an amendment, and recommended that the bill be passed.

The report was adopted, and the bill laid on the table.

Mr. Canney, from the Committee on Indian Affairs, reported back Senate bill for An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate Warrants in lieu of certain Warrants lost or destroyed, without amendment, and recommended the passage of the bill.

The report was adopted, and the bill was read a third time and passed.

Mr. Canney, from the same committee, reported back Senate bill for An Act to provide for the pay and compensation of Major James Birney, as Paymaster to Troops called into the service of this State, in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17th, 1851, without amendment, and recommending its passage.

The report was adopted, and the bill laid on the table.

Mr. Moore, from the Committee on State Prisons, reported back Senate bill for An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison Contract, with amendments, and recommending their adoption and the passage of the bill.

The House then went into committee of the whole (Mr. Canney in the chair) on the consideration of the bill ; and having made some progress thereon, the committee rose, reported the same to the House, and asked leave to sit again.

Which was granted

Mr. Hoff then moved that the bill be laid on the table, and that two hundred and forty copies be ordered to be printed.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Bostwick,
Cabaniss,
Carhart,
Conness,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Hoff,
Hunt,

Messrs. Irwin,
Knight,
Letcher,
McFarland,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Wells,
Wilson,
Wing—24.

NAYS.

Messrs. Bell,
Blake,
Canney,
Carpentier,
Cardozo,
Ewing,
Fairfax,
Heydenfeldt,
Huse,
Kittredge,
Mandeville,
Martin,

Messrs. McCandless,
McKamy,
McMahon,
Moore,
Myres,
Owen,
Proctor,
Rogers,
Saunders,
Tilghman,
Walker,
Speaker—24.

Mr. Mandeville moved that the bill be referred to a select committee of three.

Mr. Canney moved, as an amendment to the motion to refer to a select committee, that it be referred to the Judiciary Committee.

Mr. Fairfax moved that the bill be referred to the committee of the whole.

Which was agreed to.

The House then went into committee of the whole (Mr. Canney in the chair) on the consideration of the bill; and having considered the same, the committee rose, and reported the bill back to the House with amendments, recommending their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject

Which was granted.

The House then went into consideration of the bill as amended in committee of the whole when,

Mr. Moore moved a call of the House.

Which was sustained, and

On the roll being called, the following members were found absent: Messrs. Bostwick, Cabaniss, Crenshaw, Gardner, Herbert, Irwin, Meredith, McCandless, Oliver, Redding of Yuba, and Smith.

On motion, further proceedings under the call were dispensed with.

The question then being on the adoption of the first amendment strike out "Secretary of State, and" and insert in section 1st, 2d line after the word "State," the words "and a practical mechanic, or architect, to be appointed by the Governor, with the consent of the Senate, and whose salary shall be four thousand dollars per annum."

On which the ayes and nays were demanded; the amendment was lost by the following vote:

AYES.

Messrs. Blake,
Brush,
Cabaniss,
Conness,
Hally,
Harrison,
Hoff,
Hunt,
Kittredge,

Messrs. Letcher,
Mandeville,
McMeans,
Owen,
Redding,
Sime,
Wells,
Wilson,
Wing—18.

NAYS.

Messrs. Bell,
Caldwell,
Canney,
Carhart,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Heydenfeldt,
Huse,
Johnson,
Knight,
Leake,

Messrs. Martin,
McCandless,
McFarland,
McKamy,
Moore,
Myres,
Proctor,
Reading,
Robinson,
Rogers,
Taylor,
Thomas,
Tilghman,
Walker,
Yeiser,
Speaker—33.

The amendment to the fourth section to strike out the words "twenty days," and insert "forty days," was then adopted by the House.

The amendments to the ninth section were then severally adopted.

The question then being on the adoption of the amendment to be added,

At the close of the section ten "which sum shall be paid out of the General Fund and in fundable scrip, and is an additional appropriation to the one hundred and thirty-five thousand dollars, appropriated by this Act."

On which the ayes and nays were demanded and the amendment was adopted by the following vote:

AYES.

Messrs. Bell,
 Blake,
 Carhart
 Carpentier,
 Cardozo,
 Covarrubias,
 Ewing,
 Gardner,
 Heydenfeldt,
 Huse,
 Kittredge,
 Leake,
 Letcher,
 Martin,
 McKamy,
 McMahan,

Messrs. Moore,
 Myres,
 Owen,
 Proctor,
 Redding,
 Robinson,
 Rogers,
 Saunders,
 Taylor,
 Thomas,
 Tilghman,
 Walker,
 Wells,
 Wilson,
 Wing,
 Yeiser—32.

NAYS.

Messrs. Bostwick,
 Brush,
 Cabaniss,
 Caldwell,
 Conness,
 Crenshaw,
 Estep,
 Hally,

Messrs. Hoff,
 Hunt,
 Johnson,
 Knight,
 Mandeville,
 McFarland,
 Reading,
 Speaker—16.

The question then being on the adoption of the following amendment as a new section, to be section nineteenth.

"SECTION. 19. The Commissioners are hereby empowered to contract with F. Vassault under the provisions of this Act for the performance of the work mentioned in this Act; *Provided*, they believe it to be the interest of the State so to do; and said Vassault will sign a release to said Commissioners of the contract entered into between the former Board of Commissioners, on the part of the State and said Vassault for building the State Prison, bearing date the ninth day of October 1852."

On which the ayes and nays were demanded and the amendment was lost by the following vote:

AYES.

Messrs. Bell,
 Blake,
 Canney,
 Carhart,
 Cardozo,

Messrs. Martin,
 McCandless,
 McKamy,
 McMahan,
 Myres,

Messrs. Covarrubias,
Ewing,
Fairfax,
Heydenfeldt,
Huse,
Leake,

Messrs. Owen,
Proctor,
Tilghman,
Walker,
Wells—21.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Hoff,
Hunt,
Irwin,
Johnson,

Messrs. Kittredge,
Letcher,
Mandeville,
McFarland,
Moore,
Reading,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Wilson,
Wing,
Yeiser,
Speaker—31.

The amendments reported by the committee of the whole having been disposed of, Mr. Brush submitted the following as an amendment, to be section 19th :

“ With the consent of the Senate, the Governor shall appoint a superintendent of the State Prison who shall be a practical mechanic and architect whose duty it shall be to take entire charge of the erection and construction of the building provided to be erected by this Act. He shall superintend the same, and determine whether the material used in the erection of the building is in accordance with the specification and contract, and whenever the said superintendent shall determine that the material used in the erection of the building is insufficient, the Board of Commissioners are hereby empowered to compel the use of proper materials or to order a suspension of operations upon the work until such alterations are made as are deemed necessary by the Board, and the said superintendent shall reside at the place where the building shall be erected, and he shall receive a salary of \$4000, per year.”

On the adoption of which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Blake,
Brush,

Messrs. Letcher,
Mandeville

Messrs. Cabaniss,
Carpentier,
Conness,
Estep,
Gardner,
Hally,
Harrison,
Hoff,
Kittredge,

Messrs. McKamy,
McMahon,
Owen,
Proctor,
Redding,
Sime,
Thomas,
Wells,
Wing—22.

NAYS.

Messrs. Bell,
Bostwick,
Caldwell,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Flower,
Heydenfeldt,
Hunt,
Huse,
Irwin,
Johnson,

Messrs. Leake,
Martin,
McCandless,
Moore,
Myres,
Reading,
Robinson,
Rogers,
Taylor,
Tilghman,
Walker,
Wilson,
Yeiser,
Speaker—29.

Mr Hoff then moved to amend the bill by striking out the words "one hundred and thirty-five thousand," where they occur in the bill, and insert in lieu thereof the words "one hundred and seventeen thousand."

On which the ayes and nays were demanded, and the amendment was lost by the following vote :

.AYES.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Estep,
Flower,
Hally,
Harrison,

Messrs. Hoff,
Letcher,
McFarland,
Redding,
Robinson,
Sime,
Taylor,
Wing—17.

NAYS.

Messrs. Bell,
 Blake,
 Brush,
 Canney,
 Carhart,
 Carpentier,
 Cardozo,
 Covarrubias,
 Ewing,
 Fairfax,
 Heydenfeldt,
 Hunt,
 Huse,
 Irwin,
 Kittredge,
 Leake,
 Mandeville,

Messrs. Martin,
 McCandless,
 McKamy,
 McMahon,
 Moore,
 Myres,
 Owen,
 Proctor,
 Reading,
 Rogers,
 Thomas,
 Tilghman,
 Walker,
 Wells,
 Wilson,
 Yeiser,
 Speaker—34.

Mr. Canney moved that the bill be read a third time now.

Which was agreed to, and the bill was then read a third time.

The question then being, "Shall the bill now be passed?"

On which the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
 Blake,
 Canney,
 Carhart,
 Carpentier,
 Conness,
 Cardozo,
 Covarrubias,
 Ewing,
 Fairfax,
 Gardner,
 Heydenfeldt,
 Hunt,
 Huse,

Messrs. Leake,
 Martin,
 McCandless,
 McKamy,
 McMahon,
 Moore,
 Myres,
 Owen,
 Proctor,
 Reading,
 Rogers,
 Tilghman,
 Walker,
 Yeiser—28.

NAYS.

Messrs. Bostwick,
 Brush,
 Cabaniss,
 Caldwell,
 Crenshaw,

Messrs. Letcher,
 Mandeville,
 McFarland,
 Redding,
 Robinson,

Messrs. Estep,
Flower,
Hally,
Harrison,
Hoff,
Irwin,
Kittredge,

Messrs. Sime,
Taylor,
Thomas,
Wells,
Wing,
Speaker—23.

Mr. Owen, from the select committee, reported back Assembly bill for An Act to prohibit Gaming, with amendments, and recommended their adoption and the passage of the bill.

The amendments reported by the select committee were then adopted, and the bill was ordered to be engrossed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to compensate Dr. John B. Trask for his report on the Geology of the Mineral Districts, and to enable him to make further examinations;

Also, An Act to provide for the translation of the Laws into the Spanish Language, for the year 1853;

Also, Joint Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied Mineral Lands upon the eastern borders of the Sacramento and San Joaquin valleys.

And the report was adopted.

Mr. Bostwick, from the same committee, reported that they had this day presented to the Governor for his approval, An Act entitled an Act concerning the office of County Assessor, passed March 27, 1850.

And the report was adopted.

A message was received from the Governor, informing the assembly that he this day approved An Act to amend an Act concerning the office of County Assessor, passed March 27, 1850.

Mr. Conness, from the select committee to whom was referred assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State, reported the same back, with an amendment to all after the enacting clause.

The report was adopted and the bill laid on the table, and made the special order for to-morrow, at 11 o'clock, A. M.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act amendatory of An Act entitled an Act authorizing the Treasurer of the State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians, passed May 3, 1852;

Also, An Act in relation to clerks in the office of Comptroller of State, and to provide for their pay;

Also, a bill for An Act to provide for the Indigent Sick.

And the report was adopted.

On motion of Mr. Robinson, Assembly bill for An Act for the relief of the city of Sacramento, was taken from the Committee on Claims, and referred to the Committee on State Hospitals.

Mr. Bell moved that the vote by which the House ordered Assembly

bill for An Act to provide for the Indigent Sick to be engrossed be reconsidered.

On which the ayes and nays were demanded, and the vote was reconsidered by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Canney,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Heydenfeldt,
Huse,

Messrs. Irwin,
McKamy,
McMahon,
Moore,
Proctor,
Reading,
Thomas,
Tilghman,
Yeiser,
Speaker—21.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Carhart,
Carpentier,
Conness,
Crenshaw,
Hunt,
Johnson,
Kittredge,

Messrs. Letcher,
Mandeville,
McFarland,
Owen,
Redding,
Robinson,
Rogers,
Walker,
Wing—19.

The question then being on ordering the bill to be engrossed.

On which the ayes and nays were demanded, and it was decided the negative by the following vote :

AYES.

Messrs. Bostwick,
Cabaniss,
Carpentier,
Conness,
Crenshaw,
Ewing,
Hunt,
Kittredge,
Letcher,

Messrs. Mandeville,
Martin,
McFarland,
Owen,
Redding,
Sime,
Walker,
Wells,
Wing—18.

NAYS.

Messrs. Bell,
 Blake,
 Brush,
 Caldwell,
 Canney,
 Carhart,
 Estep,
 Fairfax,
 Flower,
 Gardner,
 Hally,
 Harrison,
 Heydenfeldt,
 Hoff,
 Huse,
 Irwin,

Messrs. Johnson,
 Knight,
 Meredith,
 McKamy,
 McMahon,
 Moore,
 Proctor,
 Reading,
 Robinson,
 Taylor,
 Thomas,
 Tilghman,
 Wilson,
 Yeiser,
 Speaker—31.

On motion of Mr. Bell, the bill was then laid on the table.

A message was received informing the Assembly that the Senate passed yesterday, with an amendment, Assembly bill for An Act for the relief of Calvin Valpey;

And Assembly bill for An Act supplementary to the Act incorporating the city of Marysville:

And refused this day to concur in Assembly amendment to Senate bill for An Act for the relief of C. E. Pickett.

Assembly bill for An Act for the relief of Calvin Valpey, with the title amended by the Senate so as to read, "An Act to provide for the payment of freight on State furniture to Calvin Valpey," was then taken up, and the amendment concurred in.

Senate bill for An Act for the relief of Charles E. Pickett, returned from the Senate, with Assembly amendment non-concurred in, was then taken up, and on the question, "Will the House recede from their amendment to the bill?"

The ayes and nays were demanded, and the House refused to recede by the following vote:

AYES.

Messrs. Heydenfeldt,
 Mandeville,
 McMahon,

Messrs. Redding,
 Tilghman—5.

NAYS.

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,

Messrs. Hunt,
 Huse,
 Irwin,
 Johnson,

Messrs. Cabaniss,
Canney,
Carhart,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Hoff,

Messrs. Kittredge,
Knight,
Letcher,
Martin,
Meredith,
McFarland,
McKamy,
Owen,
Proctor,
Robinson,
Taylor,
Wells,
Wilson,
Wing,
Speaker—39.

Mr. Heydenfeldt moved that a committee of conference be appointed by the House, to meet a similar committee on the part of the Senate, on the disagreeing vote of the two Houses on the bill.

Which was agreed to.

The chair announced as such committee Messrs. Heydenfeldt, Canney and Ewing.

Assembly bill for An Act to locate a State Road from the city of Benicia to the city of Sacramento, was then taken up, read a second time and referred to the Committee on roads and highways.

Assembly bill for An Act to amend an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, was then read a second time and laid on the table.

Assembly bill for An Act to authorize the State Treasurer to issue a duplicate School Land Warrant, was then read a second time and referred to the Committee on Claims.

Assembly bill for An Act to amend an Act to regulate proceedings in Criminal Cases, was then read a second time and referred to the Judiciary Committee.

Assembly bill for An Act to authorize J. T. Dean to hold, use and use and occupy certain lands in the city of Benicia, was then read a second time and laid on the table.

Mr. Crenshaw, from the Committee on Claims, to whom was referred Assembly Joint Resolution for the relief of C. H. Veeder, with instructions to bring in a bill, reported the same back, with a bill for An Act for the relief of C. H. Veeder.

Which was read a first and second time and laid on the table.

Mr. Canney, on leave, introduced a bill for An Act to regulate the election of Municipal Officers in the city of San Francisco, and the time of their taking office.

Which was read a first and second time, and referred to the Delegation from San Francisco.

On motion of Mr. Heydenfeldt, Assembly bill for An Act to change the name of Contra Costa County and to create a new county to be called Contra Costa, was taken from the table and ordered to be engrossed.

Mr. Letcher, on leave, introduced a bill for An Act amendatory of the fifth section of an Act entitled an Act to incorporate the city of San Jose, approved March 27, 1850.

Which was read twice and referred to the Committee on Corporations. On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, May 6, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Bell, Covarrubias, Gardner, Irwin, Martin, McMeans, Reading of Trinity, and Smith.

The Journal of Thursday last was read and approved.

Mr. McGarry presented the petition of citizens of the county of Napa, praying for the passage of a law authorizing the Board of Supervisors of that county to levy a tax for the improvement of Roads and Highways.

Which was read, and referred to the Committee on Roads and Highways.

Mr. Crenshaw, from the Committee on Claims, reported back the petition of George T. Rigley, with a bill for An Act for the relief of George T. Rigley.

Which was read a first and second time, and laid on the table.

Mr. Crenshaw, from the Committee on Claims, reported back the petition of Mrs. Silvey Miller, for relief, with a recommendation that it be considered in committee of the whole.

The report was adopted, and the petition laid on the table.

Mr. Canney, from the Committee on Indian Affairs, reported back the petition of Powell Wever, praying for relief, with a recommendation that the same be laid on the table.

The report was adopted, and the petition laid on the table.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act amendatory of an Act entitled an Act to provide for the lien of mechanics and others, passed April 12, 1850 ; also,

An Act securing to mechanics and others a lien for work done and materials furnished, with a substitute, entitled An Act securing to mechanics and others a lien for work done and materials furnished.

Which was read a first and second time ; the rules suspended, the bill was then considered engrossed, read a third time and passed.

Assembly bill for An Act securing to mechanics and others a lien for work done and materials furnished, was then taken up and indefinitely postponed.

Assembly bill for An Act amendatory of an Act entitled an Act to provide for the lien of mechanics and others, passed April 12, 1850, was then taken up, and indefinitely postponed.

Mr. Heydenfeldt, from the Judiciary Committee, reported a bill for An Act to amend an Act to fix the times of holding court in the Eleventh Judicial District in this State.

Which was read a first and second time ; the rules suspended, and the bill was then read a third time and passed.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act amendatory of the fifth section of an Act entitled an Act to incorporate the city of San Jose, approved March 27th, 1850, without amendment, and recommending that it be passed.

The report was adopted, and the rules suspended, when the bill was read a third time and passed.

Mr. Heydenfeldt, on leave, introduced a Joint Resolution granting leave of absence to S. C. Austin, Sheriff of Placer county.

Which was read a first and second time ; the rules were then suspended, and the resolution read a third time.

And on the question, " Shall the resolution now be passed ?" the ayes and nays were demanded, and the resolution passed by the following vote :

AYES.

Messrs.		Messrs.	
Cabaniss,		Mandeville,	
Canney,		Martin,	
Carhart,		McCandless,	
Carpentier,		McFarland,	
Estep,		McGarry,	
Ewing,		McMahon,	
Fairfax,		Myres,	
Flower,		Oliver,	
Gardner,		Proctor,	
Hally,		Robinson,	
Harrison,		Rogers,	
Heydenfeldt,		Taylor,	
Hunt,		Walker,	
Huse,		Wells,	
Irwin,		Wing,	
Johnson,		Yeiser—33.	
Leake,			

NAYS.

Messrs. Blake,	Messrs. Kittredge,
Bostwick,	Letcher,
Caldwell,	Meredith,
Conness,	Redding,
Cardozo,	Saunders,
Crenshaw,	Thomas—13.
Hoff,	

On motion of Mr. Kittredge, Assembly bill for An Act to amend an Act concerning Roads and Highways, was taken from the table, and referred to the Committee on Roads and Highways.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to change the name of Contra Costa county, and to create a new county to be called Contra Costa.

The report was adopted, and the bill was then laid on the table.

A message was received, informing the Assembly that the Senate passed on the 5th instant, Assembly bill for An Act for the relief of Orrin Bailey and other persons therein mentioned, for services rendered in behalf of the State.

Assembly bill for An Act in relation to Clerks in the office of Comptroller of State, and to provide for their pay.

Assembly bill for An Act to authorize the County Surveyor of the county of Calaveras to rent an office.

And, with an amendment, Assembly bill for An Act supplemental to an Act providing a Fund for a State Library, passed May 1st, 1852.

And also, with amendments, Assembly bill for An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humboldt.

And Senate bill for An Act to provide for compensation to owners of private property, appropriated to the use of Corporations.

Assembly bill for An Act supplemental to an Act entitled an Act providing a Fund for the State Library, passed May 1, 1852, as amended by the Senate, was then taken up, and the Senate amendment was concurred in by the House.

Assembly bill for An Act to divide the county of Trinity and form a new county out of the western portion of the same, to be called Humboldt, as amended by the Senate, was taken up, and the Senate amendment was concurred in by the House.

Senate bill for An Act to provide for compensation to owners of private property, appropriated to the use of Corporations, was then taken up, read a first and second time, and referred to the Committee on Corporations.

On motion of Mr. Canney, the House went into committee of the whole (Mr. Heydenfeldt in the chair) on the consideration of Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State; and having made some progress thereon, the committee rose, and reported the same to the House, and asked leave to sit again.

Which was granted.

On motion of Mr. Robinson, at 1 o'clock, P. M., the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M., and again went into committee of the whole (Mr. Redding, of Yuba, in the chair) on the consideration of Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State; and having considered the same, the committee rose, reported the bill back to the House with amendments, and recommended their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. McFarland, the amendments reported by the committee of the whole, were concurred in.

Mr. McFarland moved to amend the forty-first section, by inserting after the words "the," in the second line, the word "first."

On which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Johnson,

Messrs. Kittredge,
Mandeville,
Meredith,
McFarland,
McGarry,
McKamy,
McMahon,
Owen,
Wells,
Wing,
Yeiser—23.

NAYS.

Messrs. Blake,
Bostwick,
Caldwell,
Canney,
Cardozo,
Crenshaw,
Estep,
Flower,
Hally,
Heydenfeldt,
Leake,
Letcher,

Messrs. Martin,
Moore,
Myres,
Oliver,
Proctor,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,
Walker—23.

Mr. Crenshaw moved that the bill be ordered engrossed.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Caldwell,
Canney,
Carhart,
Cardozo,
Crenshaw,
Estep,
Ewing,
Flower,
Hally,
Heydenfeldt,
Kittredge,
Knight,

Messrs. Leake,
Letcher,
Mandeville,
Martin,
McKamy,
McMahon,
Moore,
Oliver,
Owen,
Proctor,
Saunders,
Sime,
Taylor,
Walker,
Wells—31.

NAYS.

Messrs. Carpentier,
Covarrubias,
Harrison,
Hoff,
Hunt,
Huse,
Johnson,
Meredith,

Messrs. McFarland,
McGarry,
Redding,
Robinson,
Rogers,
Wing,
Yeiser—15.

The following report, submitted by Mr. Canney on the 3d instant, and laid on the table, was, on motion of Mr. Myres, taken up, and concurred in by the House.

Mr. Speaker:

The committee of free conference, on the disagreeing votes of the two Houses, on Senate bill entitled An Act to fix the compensation of County Judges and of Associate Justices of the Courts of Sessions, and to repeal a like Act passed April, 1850, have had the same under consideration, and report that they have agreed upon the following amended lists of classes and compensation of County Judges, as also amendments to sections 3 and 4, and recommend that the amendments be concurred in, and the bill passed.

Amendment to Section First.

1st.—Of the county of San Francisco,	-	-	-	\$6,000
2d.—Of the counties of Sacramento, San Joaquin and Mariposa,	-	-	-	
each,	-	-	-	5,000
3d.—Of the counties of Calaveras, Tuolumne, El Dorado, Yuba	-	-	-	
and Nevada, each,	-	-	-	4,000
4th.—Of the county of Placer,	-	-	-	3,500
5th.—Of the counties of Butte, Shasta, Sutter, Trinity, Alameda,	-	-	-	
Contra Costa and Yolo, each,	-	-	-	2,500
6th.—Of the counties of Tulare, Napa, Sonoma, Colusi, Marin,	-	-	-	
Santa Clara, and of Humboldt, (when organized,) each,	-	-	-	2,000
7th.—Of the counties of Los Angeles, Klamath, Siskiyou and	-	-	-	
Monterey, each,	-	-	-	1,500
8th.—Of the counties of Santa Barbara and Santa Cruz, each,	-	-	-	1,200
9th.—Of the counties of San Diego and San Luis Obispo, each,	-	-	-	1,000

Amend Section 3d. Strike out the word "five," in second line, and insert "eight." Also, strike out the word "two," in seventh line, and insert "three."

Amend Section 4. Insert after the word "hereafter," "*Provided*, that the County Judges of the counties of Placer, Nevada, Trinity and Klamath shall be entitled to receive during the remainder of their term of the salaries fixed by this Act."

JOHN S. HAGER,
J. R. SNYDER,
JOS. WALKUP,
J. H. BAIRD,

Senate Committee.

E. HEYDENFELDT,
JOHN SIME,
JOHN H. SAUNDERS,
JAS. M. TAYLOR,
J. N. CARDOZO,
SAM'L FLOWER,
P. CANNEY,
B. F. MYRES,
GEO. BLAKE,

Assembly Committee.

Mr. Myres, on leave, introduced a bill for An Act to fix the salary of the County Judge of Placer county.

Which was read a first and second time; the rules suspended, it was then read a third time and passed.

Mr. Yeiser submitted the following report, which was read and adopted:

Mr. Speaker :

The Judiciary Committee, to whom was referred An Act concerning securities on official bonds, beg leave to report the same back, and recommend its passage.

They also, in obedience to Assembly instructions, report back An Act in relation to personal mortgages in certain cases, with an amendment to strike out the word " mining," in first section, fourth line.

And report back An Act for the relief of Jno. C. Cremony, with a recommendation that it be referred to the Committee on Claims.

FRED. YEISER, Chairman.

Senate bill for An Act in relation to personal mortgages in certain cases, was then taken up, amended, read a third time and passed.

Assembly bill for An Act for the relief of Jno. C. Cremony, was then laid on the table.

Senate bill for An Act concerning sureties on official bonds, was then laid on the table.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as having examined, and found correctly enrolled, An Act to amend an Act entitled an Act concerning Corporations, passed April 22, 1850 ; also,

An Act authorizing the Board of Supervisors of San Diego county to levy a special tax for the erection of a County Jail ; also,

An Act supplementary to the Act incorporating the city of Marysville.

And the report was adopted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, May 7, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Covarrubias, Fairfax, Flower, Gardner, Harrison, Herbert, Heydenfeldt, Hunt, Johnson, Knight, Leake, Martin, Meredith, McFarland, McMeans, Smith, Tilghman and Wing.

The Journal of Friday last was read and approved.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act authorizing the Treasurer of the State of California to issue Bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald in the County of San Diego, with a recommendation that it be referred to the Committee on Indian Affairs.

The report was adopted, and the bill referred as recommended.

Mr. Crenshaw, from the same Committee, reported back Senate bill for An Act for the payment of certain persons therein named, for labor performed and materials furnished, without amendment, and recommended that it be passed.

The report was then adopted, and the bill was considered in committee of the whole, reported back, the committee discharged, and the bill read a third time and passed.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act to amend an Act concerning Roads and Highways, with amendments, recommending that they be adopted and the bill passed.

The report was adopted, the bill amended and ordered to be engrossed.

Mr. Heydenfeldt submitted the following report, which was read and adopted:

Mr. Speaker:

The committee of conference, to whom was referred the disagreeing vote of the two Houses upon Assembly amendment to Senate bill, entitled An Act for the relief of Charles E. Pickett, beg leave to report, that they have had the same under consideration, and unanimously recommend that the Senate concur in the amendment of the Assembly.

Respectfully submitted,

E. HEYDENFELDT,

Ch. Assembly Committee.

J. M. ESTILL,

Ch. Senate Committee.

Mr. Crenshaw, on leave, introduced a bill for An Act appropriating money to defray the expenses of the Government of this State.

Which was read a first and second time, considered in committee of the whole, reported back without amendment, its passage recommended, and the committee discharged.

The rules were then suspended, and the bill was read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, reported back Senate bill for An Act revising and amending the Act concerning the Courts of Justice in this State and Judicial Officers, with amendments, recommending their adoption and the passage of the bill.

On motion of Mr. Myres, the House then went into committee of the whole (Mr. Canney in the chair) on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House with amendments, recommending their adoption and the

passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments reported by the committee of the whole were then concurred in by the House.

Mr. Brush moved to amend section one hundred and seven, in the fifth line, by inserting after the word "counties," the words "except the County of San Francisco."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote :

AYES.

Messrs. Blake,
Brush,
Carpentier,
Conness,
Covarrubias,
Huse,
Irwin,
Kittredge,
Leake,

Messrs. Meredith,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Wing—18.

NAYS.

Messrs. Cabaniss,
Caldwell,
Canney,
Carhart,
Crenshaw,
Estep,
Ewing,
Flower,
Hally,
Heydenfeldt,

Messrs. Letcher,
McCandless,
McKamy,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Wells,
Speaker—20.

Mr. Wells moved to reconsider the vote just taken.

On which the ayes and nays were demanded.

And the House refused to reconsider by the following vote :

AYES.

Messrs. Blake,
Brush,
Carpentier,
Conness,
Covarrubias,
Hoff,
Irwin,

Messrs. McKamy,
McMahon,
Oliver,
Owen,
Redding,
Rogers,
Thomas,

Messrs. Kittredge,
Leake,
Meredith,

Messrs. Wells,
Wing—19.

NAYS.

Messrs. Cabaniss,
Caldwell,
Canney,
Carhart,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Heydenfeldt,
Huse,

Messrs. Letcher,
McCandless,
Moore,
Myres,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Tilghman,
Speaker—22.

Mr. Carpentier moved to amend the thirty-fifth section as follows:—strike out from “State,” in third line, to “second,” in eighth line, and insert “shall have power to take and certify the proof or acknowledgment of a conveyance of real property, or of any other written instrument; and said Judges in any part of the State, and Justices of the Peace within their respective counties, and Mayors and Records within their respective cities, shall have power to take and certify.”

On the adoption of which, the ayes and nays were demanded.
And the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Carpentier,
Hoff,
Kittredge,
Leake,
Meredith,

Messrs. McKamy,
McMahon,
Moore,
Oliver,
Redding—11.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Canney,
Carhart,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Letcher,

Messrs. McCandless,
Myres,
Owen,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Tilghman,
Speaker—22.

The bill was then read a third time and passed.

And on the question, "Shall the title stand?" it was amended so as to read, "An Act Concerning the Courts of Justice of this State and Judicial Officers."

The title as amended, was then agreed to.

A message was received, informing the Assembly that the Senate this day passed Senate bill for An Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento and Colusi.

The bill was then taken up, read a first and second time, the rules suspended, and then read a third time and passed.

A message was received informing the Assembly that the Senate passed, on the 6th inst., An Act to be entitled An Act amendatory to an Act entitled an Act to establish a system of Common Schools, approved May 3d, 1852;

Also, Assembly bill for An Act for the relief of Reuben Clark and Wm. Crane ;

And also, passed Senate bill for An Act supplementary to an Act to Fund the Debt of Los Angeles County, and provide for the payment thereof, passed March 19, 1853.

Senate bill for An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools, approved May 3d, 1852, was then taken up, read a first and second time, and referred to the Committee on Education.

Senate bill for An Act supplementary to an Act to Fund the Debt of Los Angeles County, and provide for the payment thereof, passed March 19, 1853, was then taken up, read a first and second time, and the rules suspended ; it was then read a third time and passed.

Mr. Moore, on leave, introduced a bill for An Act providing for the location of the County Seat of Colusi County.

Which was read a first and second time, and the rules suspended ; it was then read a third time and passed.

A message was received informing the Assembly that the Senate passed, on the 4th inst., An Act to establish an Asylum for the Insane of the State of California ;

And on the 6th inst., An Act to abolish the present State Hospitals ;

And Assembly bill for An Act to Incorporate the City of Monterey ;

Senate Joint Resolution in relation to grants of land by the General Government in Utah Territory ;

And Assembly bill for An Act to amend an Act to fix the times of holding Court in the Eleventh Judicial District in this State ;

And Assembly Joint Resolution granting leave of absence to S. C. Austin, Sheriff of Placer County ;

And also, Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco.

Senate bill for An Act to establish an Asylum for the Insane of the State of California, was then taken up, read a first and second time, and referred to the Committee on State Hospitals.

Senate bill for An Act to abolish the present State Hospitals, was then taken up, read a first and second time, and referred to the Committee on State Hospitals, with instructions to report on Tuesday next.

Senate Joint Resolution in relation to grants of land by the General Government in Utah Territory, was then taken up, read a first and second time, and referred to the Committee on Federal Relations.

Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, was then taken up, read a first and second time, and referred to the Committee on State Hospitals, with instructions to report on Tuesday next.

A message was received, informing the Assembly that the Senate this day passed a Concurrent Resolution rescinding a resolution to adjourn on the 11th inst., and providing for an adjournment on the 18th inst.

The resolution was then taken up, and on the question, "Will the House concur in the resolution?"

The ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Carhart
Cardozo,
Crenshaw,
Ewing,
Gardner,
Hoff,
Huse,
Kittredge,
Leake,
Meredith,

Messrs. McCandless,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Tilghman,
Wells,
Wilson,
Wing—27.

NAYS.

Messrs. Caldwell,
Canney,
Carpentier,
Conness,
Covarrubias,
Estep,
Flower,
Hally,
Heydenfeldt,
McGarry,

Messrs. Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Yeiser,
Speaker—19.

The Chair decided that the vote of two-thirds was requisite to pass the resolution, and declared the resolution lost.

Mr. Moore appealed from the decision, and on the question, "Shall the decision of the Chair stand as the opinion of the House?"

The ayes and nays were demanded.

And the decision was reversed by the following vote :

AYES.

Messrs. Cabaniss,	Messrs. Proctor,
Caldwell,	Reading,
Canney,	Robinson,
Covarrubias,	Saunders,
Estep,	Sime,
Flower,	Taylor,
Hally,	Thomas,
Heydenfeldt,	Tilghman—17.
McGarry,	

NAYS.

Messrs. Blake,	Messrs. Meredith,
Bostwick,	McCandless,
Brush,	McKamy,
Carhart,	McMahon,
Carpentier,	Moore,
Cardozo,	Myres,
Crenshaw,	Oliver,
Ewing,	Owen,
Gardner,	Redding,
Hoff,	Rogers,
Huse,	Wells,
Irwin,	Wilson,
Kittredge,	Wing—27.
Leake,	

The Speaker then declared that the House had concurred in the resolution.

Mr. Myres, on leave, introduced a bill for An Act to provide means for paying the Civil Debt of this State.

Which was read a first and second time, and referred to the Committee on Ways and means.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the relief of Charles E. Pickett.

And the report was adopted.

Mr. Gardner, on leave, introduced a bill for An Act for the permanent location of the Seat of Government.

Which was read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the relief of Reuben Clark and Wm. Crane;

An Act to provide for the payment of Freight on State Furniture to Calvin Valpey;

Also, An Act for the relief of Orrin Bailey, and other persons therein mentioned, for services rendered in behalf of the State;

Also, An Act to authorize the County Surveyor of Calaveras County to rent an office;

Also, An Act in relation to Clerks in the office of the Comptroller of State, and to provide for their pay.

And the report was adopted.

Mr. Bostwick, from the same committee, reported that they had presented to the Governor for his approval, An Act for the relief of Reuben Clark and William Crane ;

Also, An Act to compensate Dr. John B. Trask for his report on the Geology of the Mineral Districts, and to enable him to make further examinations ;

Also, An Act to provide for the Translation of the Laws into the Spanish language, for the year 1853 ;

Also, An Act supplementary to the Act Incorporating the City of Marysville ;

Also, An Act to amend an Act entitled an Act concerning Corporations, passed April 22d, 1850 ;

Also, An Act authorizing the Board of Supervisors of San Diego County to levy a special tax for the erection of a County Jail ;

Also, An Act to provide for the payment of Freights on State Furniture to Calvin Valpey ;

Also, An Act for the relief of Orrin Bailey, and other persons therein mentioned, for services rendered in behalf of the State ;

Also, An Act to authorize the County Surveyor of Calaveras to rent an office ;

And, An Act in relation to Clerks in the office of the Comptroller of State, and to provide for their pay.

And the report was adopted.

Mr. Hoff, on leave, introduced a bill for An Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs, passed April 29, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Hally, from the select committee to whom was referred Assembly bill for An Act to secure to Settlers a Pre-emption right to the Swamp and Overflowed Lands of this State, reported the same back, and recommended that it be passed.

The report was adopted, and the bill laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to apportion the Senatorial and Assembly Districts of this State ;

Also, An Act amendatory of the fifth section of An act entitled an Act to Incorporate the City of San José, approved March 27, 1850 ;

Also, An Act appropriating moneys to defray the expenses of the Government of this State ;

Also, An Act to fix the Salary of the County Judge of Placer County ;

Also, An Act securing to Mechanics and others a Lien for work done and materials furnished ;

And also. An Act to amend an Act concerning Roads and Highways.

And the report was adopted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, May 9, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Carpentier, Cardozo, Ewing, Fairfax, Flower, Gardner, Hally, Harrison, Herbert, Heydenfeldt, Hunt, Irwin, Johnson, Martin, McCandless, McFarland, McMahon, McMeans, Moore, Myres, Proctor, Reading of Trinity, Saunders, Smith, Taylor, and Wing.

On motion, leave of absence was granted to Messrs. Taylor, Saunders, Kittredge, McCandless, Fairfax, and Myres, for one day each; and to Messrs. McFarland, Johnson, Ewing, McGarry, and Harrison, two days each.

The Journal of Saturday last was read and approved.

Mr. Canney presented the claim of the Stockton State Hospital for \$2,128 08.

Which was read, and referred to the Committee on Claims.

Mr. Brush submitted the following report; which was read, and adopted. (See Appendix No. 57.)

Mr. Cardozo, from the Committee on Education, reported back Senate bill for An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools, approved May 3, 1852, without amendment, and recommended that it be passed.

The report was adopted, and the bill laid on the table and ordered to be printed.

Mr. Huse, from the Committee on Agriculture, reported back Senate bill for An Act concerning Estrays, with amendments, recommending their adoption, and the passage of the bill.

Mr. Heydenfeldt moved that the bill be recommitted to the same committee.

Which was agreed to.

Mr. Crenshaw, from the Committee on Federal Relations, reported back Assembly Joint Resolution instructing our Senators and requesting our Representatives in Congress in relation to the donation of the public lands, without amendment, and recommended that the same be passed.

The report was adopted, and the rules suspended; the resolution was then read a third time and passed.

Mr. Crenshaw, from the same committee, reported back Assembly Joint Resolution, relative to the Civil Fund, with a recommendation that the same be passed.

The report was adopted, the rules suspended, and the resolution was then read a third time, and passed.

Mr. McMeans, from the Committee on Ways and Means, reported back

Senate bill for An Act to abolish the present State Hospitals, without amendment, and recommended that the same be passed.

The report was adopted, and the bill laid on the table.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act to locate a State Road from the city of Benicia to the city of Sacramento, without amendment, and recommended that the same be passed.

Mr. Robinson moved that the bill be indefinitely postponed.

On which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Cabaniss,
Caldwell,
Carhart,
Conness,
Estep,
Heydenfeldt,

Messrs. Hoff,
Proctor,
Reading,
Redding,
Robinson,
Sime—12.

NAYS.

Messrs. Bell,	Messrs. Mandeville,
Blake,	Meredith,
Bostwick,	McKamy,
Brush,	McMeans,
Canney,	Owen,
Cardozo,	Smith,
Crenshaw,	Walker,
Letcher,	Speaker—16.

No quorum voting.

Mr. Canney then moved that the bill be laid on the table,
Which was agreed to.

A message was received from the Governor, informing the Assembly that he approved, on the 7th instant,

An Act supplementary to an Act incorporating the city of Marysville :

Also, An Act to compensate John B. Trask for his report on the Geology of the Mineral Districts, and to enable him to make further examinations ;

Also, An Act to provide for the Translation of the Laws into the Spanish Language, for the year 1853 ;

Also, An Act to provide for the payment of freight on State furniture to Calvin Valpey ;

Also, An Act in relation to Clerks in the office of Comptroller of State, and to provide for their pay ;

Also, An Act for the relief of Orrin Bailey, and other persons therein mentioned, for services rendered in behalf of the State ;

Also, An Act to authorize the County Surveyor of Calaveras to rent an office ;

And An Act for the relief of Reuben Clark and William Crane.

A message was received, informing the Assembly that the Senate, on the

6th instant, appointed Messrs. Smith, Wombough, and Estill, a committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act for the relief of Charles E. Pickett;

And concurred in Assembly amendment to Senate bill for An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract;

And passed, on the 7th instant, with amendments, Assembly Joint Resolution relative to the Law Library, at the city of San Francisco;

And passed Assembly bill for An Act for the relief of certain claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county;

Assembly bill for An Act amendatory of the fifth section of an Act to incorporate the city of San Jose, approved March 27, 1850;

Assembly bill for An Act appropriating money to defray the expenses of the Government of this State;

Assembly bill for An Act to fix the salary of the County Judge of Placer county;

Assembly bill for An Act for the relief of Albert Putnam;

And Senate bill for An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1, 1853;

And concurred in Assembly amendment to Senate bill for An Act in relation to personal mortgages in certain cases;

And non-concurred, on the same day, in Assembly amendments to Senate bill for An Act to amend an Act declaring certain rivers and creeks navigable, passed February 18, 1851.

Assembly Joint Resolution relative to the Law Library at the city of San Francisco, as amended by the Senate, was then taken up, and the amendments concurred in.

Senate bill for An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1, 1853, was then read a first and second time, and referred to the Committee of Ways and Means.

Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851, as returned from the Senate, with Assembly amendments non-concurred in, was then taken up, and the House insisted upon their amendments.

Mr. Robinson moved that a committee of three be appointed as a committee of conference to meet a similar committee on the part of the Senate on the disagreeing vote of the two Houses on the bill, which was agreed to, and the Chair announced as such committee, Messrs. Robinson, Yeiser, and Ewing.

On motion of Mr. Leake, Senate bill for An Act to provide for the pay and compensation of Major James Birney, as paymaster to troops called into the service of this State in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17, 1853, was taken from the table, and the House then went into committee of the whole (Mr. Redding of Yuba in the chair) on the consideration of the bill, and having considered the same, the committee rose, reported it back to the House without

amendment, recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, when

Mr. Leake moved a call of the House, which was sustained, and on the roll being called, the following members were found absent :

Messrs. Caldwell, Carpentier, Ewing, Fairfax, Hoff, Martin, McMahon, Moore, Redding of Yuba, Smith, and Taylor.

Messrs. McMahon, Redding of Yuba, and Smith, appeared at the bar of the House, were admitted, excused, and took their seats.

On motion of Mr. Leake, further proceedings under the call were dispensed with.

The question then being, " Shall the bill now be passed ? "

On which the ayes and nays were demanded, the bill passed by the following vote :

AYES.

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Carhart,
Cardozo,
Covarrubias,
Estep,
Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Huse,
Knight,
Leake,

Messrs. Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Owen,
Proctor,
Reading,
Robinson,
Rogers,
Sime,
Smith,
Tilghman,
Walker,
Wells,
Wing—32.

NAYS.

Messrs. Bostwick,
Brush,
Conness,
Crenshaw,
Irwin,
Letcher,

Messrs. Oliver,
Redding,
Wilson,
Yeiser,
Speaker—11.

Mr. McMahon, on leave, introduced a bill for An Act for the relief of the claimants of lots or blocks of land in the town of Trinidad, in the county of Klamath.

Which was read twice, and referred to the Judiciary Committee.

Mr. Heydenfeldt introduced a bill for An Act to provide for the defence of the frontier of the State.

Which was read twice, and referred to the Committee on Military Affairs.
Mr. Heydenfeldt, agreeable to notice, introduced a bill for An Act recommending to the electors to vote for or against calling a convention to revise and change the entire Constitution of the State.

Which was read twice, and referred to the Judiciary Committee.

On motion of Mr. Crenshaw, at 2 o'clock, P. M., the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

Mr. Hoff submitted the following resolution, which was read and adopted :

Resolved, That the standing committees of this House be and are hereby instructed to report before the 12th day of this month, upon all matters referred to them.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humboldt ;

Also, Joint Resolution granting leave of absence to S. C. Astin, Sheriff of Placer county ;

Also, An Act to amend an Act to fix the times of holding court in the Eleventh Judicial District in this State, approved January 14, 1853 ;

Also, An Act supplemental to an Act entitled an Act providing a fund for the use of a State Library, passed May 1, 1852 ;

Also, An Act to incorporate the city of Monterey ;

Also, An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract.

And the report was adopted.

Assembly bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco, was then taken up, and made the special order for to-morrow at 12 o'clock, M.

Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State, was then taken up, when

Mr. Redding of Yuba moved to re-commit the bill, with special instructions.

Which was not agreed to.

Mr. Redding of Yuba then moved to lay the bill on the table.

On which the ayes and nays were demanded, and the House refused to lay the bill on the table by the following vote :

AYES.

Messrs. Bell,
Cabaniss,
Caldwell,
Covarrubias,
Estep,

Messrs. McKamy,
Owen,
Proctor,
Reading,
Robinson,

Messrs. Hally,
Hoff,
Huse,
Letcher,

Messrs. Smith,
Yeiser,
Speaker—17.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Canney,
Conness,
Cardozo,
Crenshaw,
Flower,
Heydenfeldt,
Leake,
Mandeville,

Messrs. Meredith,
McMahon,
Oliver,
Redding,
Rogers,
Sime,
Thomas,
Tilghman,
Wells,
Wilson,
Wing—22.

Mr. Bell moved a call of the House, which was sustained, and on the roll being called, the following members were found absent :

Messrs. Carhart, Gardner, Herbert, Martin, and Wilson.

On motion, further proceedings under the call were dispensed with.

Mr. Canney moved that the bill be read a third time now, which was agreed to, and the bill was read a third time.

The question then being, " Shall the bill now be passed ?"

On which the ayes and nays were demanded, the bill was passed by the following vote :

AYES.

Messrs. Bell,
Blake,
Caldwell,
Canney,
Cardozo,
Crenshaw,
Estep,
Flower,
Hally,
Heydenfeldt,
Huse,
Knight,
Leake,
Letcher,

Messrs. McKamy,
McMahon,
Oliver,
Owen,
Proctor,
Reading,
Rogers,
Sime,
Smith,
Thomas,
Tilghman,
Walker,
Wells—27.

NAYS.

Messrs. Brush,
Cabaniss,

Messrs. Moore,
Redding,

Messrs. Conness,	Messrs. Robinson,
Covarrubias,	Wilson,
Hoff,	Wing,
Mandeville,	Yeiser,
Meredith,	Speaker—14.

Mr. Reading of Trinity gave notice, that he would, on to-morrow, move to reconsider the vote just taken.

Mr. Canney moved that the vote be now reconsidered.

On which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Bostwick,	Messrs. Leake,
Covarrubias,	Robinson,
Estep,	Smith,
Heydenfeldt,	Speaker—8.

NAYS.

Messrs. Bell,	Messrs. Mandeville,
Blake,	McKamy,
Cabaniss,	McMahon,
Caldwell,	Oliver,
Canney,	Owen,
Cardozo,	Proctor,
Crenshaw,	Rogers,
Flower,	Sime,
Hally,	Thomas,
Huse,	Walker,
Knight,	Wells—23.
Letcher,	

No quorum voting.

Mr. Canney then, on leave, withdrew the motion to reconsider the vote.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act providing for the location of the County Seat of Colusi county ;

And also, An Act to prohibit Gaming.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to amend an Act to incorporate the city of San Jose, passed March 27, 1850 ; also,

An Act for the relief of Albert Putnam ; also,

An Act to fix the salary of the County Judge of Placer county ; also,

An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county ; also,

An Act appropriating money to defray the expenses of the government of this State.

And the report was adopted.

A message was received, informing the Assembly that the Senate passed, on the 7th instant—

An Act to amend an Act concerning Divorces, passed March 25, 1851; also,

An Act to provide for granting Passports; also,

An Act to repeal an Act to provide for the payment of State Prison Inspectors, approved May 3, 1852;

And passed this day An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25, 1851;

And Assembly bill for An Act authorizing the Treasurer of the State to issue bonds for the payment of the Mariposa, second Eldorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians, passed May 3, 1852;

And with amendments, Assembly bill for An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads;

And concurred, on the 7th inst., in the report of the committee of conference, on the disagreeing vote of the two Houses on Senate bill for An Act for the relief of Charles E. Pickett.

Senate bill for An Act to amend an Act concerning Divorces, passed March 25, 1851, was then read twice, and referred to the Judiciary Committee.

Senate bill for An Act to provide for granting Passports, was then read twice, and referred to the Committee on Federal Relations.

Senate bill for An Act to repeal an Act to provide for the payment of State Prison Inspectors, approved May 3, 1852, was then read a first and second time, the rules suspended, the bill was then read a third time and passed.

Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25, 1851, was then read a first and second time, the rule suspended, and the bill was read a third time, and passed.

Assembly bill for An Act to authorize the formation of corporations for the construction of Plank or Turnpike Roads, as amended by the Senate, was then taken up, and the amendments made by the Senate were concurred in by the House.

Assembly bill for An Act to prohibit Gaming, was then taken up, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bostwick,	Messrs. Letcher,
Brush,	Mandeville,
Cabaniss,	Meredith,
Canney,	McKamy,
Corness,	Owen,
Covarrubias,	Redding,
Estep,	Robinson,

Messrs. Gardner,
Hally,
Herbert,
Hoff,
Knight,

Messrs. Rogers,
Sime,
Wells,
Wing—23.

NAYS.

Messrs. Blake,
Carhart,
Cardozo,
Crenshaw,
Flower,
Heydenfeldt,
Huse,
Irwin,
Leake,

Messrs. Oliver,
Proctor,
Reading,
Smith,
Thomas,
Tilghman,
Walker,
Speaker—17.

Mr. Gardner gave notice that he would, on to-morrow, move to reconsider the vote just taken.

On motion of Mr. Flower, Senate bill for An Act to change the name of Alfred Morgan to Alfred Grey Morgan, was taken up, read a third time, and passed.

On motion of Mr. Canney, all the bills in relation to the location of the Seat of Government of this State, was made the special order for Thursday next at 12 o'clock.

On motion of Mr. Brush, Assembly bill for An Act concerning the salaries of officers and pay of members of the Legislature, was taken up, and the House then went into committee of the whole, Mr. Thomas in the chair, on the consideration of the bill, and having made some progress thereon, the committee rose and reported the same to the House, and asked leave to sit again, which was granted, and the bill laid on the table.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, May 10, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent : Messrs. Caldwell, Carhart, Carpentier, Fairfax, Gardner, Harrison, Martin, McCandless, Moore, Myres, Smith, Taylor and Wing.

On motion, leave of absence for one day each was granted to Messrs. Caldwell and McFarland.

The Journal of Monday last was read and approved.

Mr. Brush, from the Committee on Elections, reported back the papers and testimony in the case of contested seat of Robinson *vs.* Tilghman, without recommendation.

The report, with the accompanying papers, were then laid on the table.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act to provide for compensation to owners of private property appropriated to the use of Corporations, with a recommendation that the same be not passed.

The report was adopted, and the bill was then read a third time and lost.

Mr. Yeiser submitted the following report, which was read and adopted :

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to allow private parties to file informations in the nature of quo warranto, and recommend that the same be not passed;

And have also considered An Act to amend an Act entitled an Act concerning Toll Bridges;

An Act concerning certain Courts in the county of San Francisco;

An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors;

An Act declaratory of the effect of the repeal of Criminal Laws; and

An Act to amend an Act defining the rights of husband and wife, passed 17th April, 1850,—that they be passed.

Your committee also recommend that An Act to define the jurisdiction of the District Court of the First Judicial District;

An Act to regulate appeals from County Courts, Justices', Mayors' and Recorders' Courts in the State of California;

An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 18, 1851, and to repeal an Act amendatory thereof, approved May 3, 1852,—be not passed.

FRED. YEISER, Chairman.

Assembly bill for An Act to allow private parties to file information in the nature of quo warranto, was then taken up, read a third time and lost.

Senate bill for An Act to amend an Act entitled an Act concerning Toll Bridges, was then taken up, and laid on the table.

Assembly bill for An Act concerning certain Courts in the county of San Francisco, was then taken up, and laid on the table.

Senate bill for An Act concerning the auditing of accounts by the Court of Sessions and the Board of Supervisors, was then taken up, read a third time and passed.

Assembly bill for An Act declaratory of the effect of the repeal of Criminal Laws, was then taken up, read a third time, under a suspension of the rules, and passed.

Senate bill for An Act to amend an Act defining the rights of husband and wife, passed on 17th April, 1850, was then taken up, read a third time and passed.

Assembly bill for An Act to define the jurisdiction of the District Court of the First Judicial District, was then taken up, read a third time and lost.

Assembly bill for An Act to regulate appeals from County Courts, Justices', Mayors' and Recorders' Courts in the State of California, was then taken up, read a third time and lost.

Assembly bill for An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 11th, 1851, and to repeal an Act amendatory thereof, approved May 3d, 1852, was then taken up, read a third time and lost.

Mr. McMeans, from the Committee on State Hospitals, reported back Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, with a recommendation that the bill be not passed.

The report and bill were laid on the table, and made the special order for 3 o'clock, this afternoon.

Mr. McMeans, from the same committee, reported back Senate bill for An Act to establish an Asylum for the Insane of the State of California, with a recommendation that the bill be not passed.

The report and bill were laid on the table, and made the special order for 3 o'clock, P. M., on to-morrow.

Mr. Thomas, from the select committee, to whom was referred Assembly bill for An Act to limit the hours of labor, reported the same back without amendment, and recommended that the same be passed.

The report was adopted, and the bill amended, considered engrossed, read a third time and passed.

Mr. Conness, on leave, introduced a bill for An Act to amend an Act providing for securing State Prison convicts.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the payment of certain persons, therein named, for labor performed and materials furnished; also,

An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate Warrants lost or destroyed; also,

An Act to abolish the Board of Supervisors in the counties of Calaveras, Sacramento and Colusi ; also,

An Act supplementary to an Act to Fund the Debt of Los Angeles county and provide for the payment thereof, passed March 19, 1853 ; also,

An Act in relation to personal mortgages in certain cases.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, a Joint Resolution relative to the Civil Funds ; also,

Joint Resolution instructing our Senators and requesting our Representatives in Congress in relation to the donation of the Public Lands.

And the report was adopted.

Mr. Herbert, on leave, introduced a bill for An Act to authorize the raising a company of Rangers.

Which was read a first and second time, and referred to a select committee of three.

The Chair announced as such committee, Messrs. Herbert, Thomas and Yeiser.

Mr. Conness, on leave, introduced a bill for An Act to abolish the office of Quarter-Master-General in this State and to provide for the performance of the duties thereof.

Which was read a first and second time, and referred to the Committee on Military Affairs.

Mr. Canney, on leave, introduced a bill for An Act for the relief of Mrs. Sylvia Miller.

Which was read a first and second time, and referred to the Committee on Claims.

Mr. Canney presented the bond—a specification for building the Stockton State Hospital.

Which was referred to the Committee on Claims.

The House then went into committee of the whole (Mr. Crenshaw in the chair) on the consideration of Assembly bill for An Act to abolish the office of Commissioners of the Funded Debt of San Francisco, made the special order for this day at 12 o'clock, M. ; and having considered the same, the committee rose, and reported it back to the House with amendments, and recommended their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Blake then moved a call of the House, which was sustained ; and

On the roll being called, the following members were found absent :—Messrs. Carhart, Carpentier, Conness, Crenshaw, Harrison, Irwin, McMahon, McMeans, Moore, Myres, Smith, Taylor, Thomas, Walker, Wells, Wing and Yeiser.

Messrs. Moore, Myres and Thomas appeared at the bar of the House, were admitted, excused, and took their seats.

Mr. Blake moved that the bill be ordered engrossed.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Herbert,
Hoff,
Hunt,

Messrs. Huse,
Kittredge,
Mandeville,
Meredith,
McKamy,
McMahon,
Oliver,
Owen.
Redding,
Rogers,
Tilghman,
Wilson—24.

NAYS.

Messrs. Cabaniss,
Fairfax,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Knight,
Letcher,
McCandless,

Messrs. Moore,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Thomas,
Walker,
Speaker—19.

A message was received, informing the Assembly that the Senate passed, on yesterday, An Act concerning the decisions of the Supreme Court.

And passed, this day, An Act to ratify and confirm an Ordinance passed by the city of San Francisco on the 7th March, 1853, authorizing the building of a Plank Road along Folsom street, in said city, from First street to Centre street.

Senate bill for An Act concerning the decisions of the Supreme Court, was then taken up, read a first and second time, and referred to the Committee on Public Printing.

Senate bill for An Act to ratify and confirm an Ordinance passed by the city of San Francisco on the 7th day of March, 1853, authorizing the building of a Plank Road along Folsom street, in said city, from First street to Centre street, was then taken up, read a first and second time, and referred to the Committee on Corporations.

A message was received, informing the Assembly that the Senate passed, yesterday, An Act to provide Revenue for the support of the Government of this State; and a

Joint Resolution in relation to claims against the General Government for supplies of Indian Agents.

Senate bill for An Act to provide Revenue for the support of the Government of this State, was then taken up, read a first and second time, and referred to the Committee on ways and Means.

Senate Joint Resolution in relation to claims against the General Government for supplies to Indian Agents, was then read a first and second time, and referred to the Committee on Federal Relations.

Mr. McMeans, from the Committee on Ways and Means, reported back Senate bill for An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1, 1853, with an amendment, and recommended that the bill be passed.

The report was adopted.

The bill was then amended, read a third time and passed.

On motion of Mr. Crenshaw, Assembly bill for An Act for the relief of C. H. Veeder, was taken from the table, considered in committee of the whole, reported back without amendments, the committee discharged, and the bill read a third time and passed.

Mr. Johnson, on leave, introduced a bill for An Act explanatory of an Act entitled an Act defining the time within which actions shall be commenced in certain cases.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Sime, at 2 o'clock, P. M., the House took a recess until half-past 3 o'clock, P. M.

The House re-assembled at half-past 3 o'clock, P. M.

On motion of Mr. Saunders, Senate bill for An Act to provide for a Library for the Supreme Court, was taken from the table, read a third time and passed.

Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, made the special order for 3 o'clock this day, was taken up, and laid on the table.

On motion of Mr. Blake, Assembly bill for An Act to provide for the Measurement of Goods, was taken from the table, amended by substitute for all after the enacting clause, and recommitted to the Committee on Commerce.

Mr. Herbert moved to reconsider the vote by which the House passed Assembly bill for An Act to prohibit Gaming.

Which was agreed to, and the bill laid on the table.

Mr. Reading, of Trinity, moved to reconsider the vote by which the House passed, yesterday, Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,

Messrs. Meredith,
Reading,
Redding,

Messrs. Conness,
Hoff,
Irwin,
Mandeville,

Messrs. Robinson,
Wilson,
Yeiser,
Speaker—14.

NAYS.

Messrs. Bell,
Blake,
Canney,
Cardozo,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Kittredge,
Leake,
Letcher,

Messrs. Martin,
McCandless,
McGarry,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Proctor,
Rogers,
Saunders,
Sime,
Tilghman,
Walker,
Wells—31.

Mr. Crenshaw moved to take from the table the "Proposed amendments to the Constitution of this State."

On which the ayes and nays were demanded, and the motion was carried by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Covarrubias,
Crenshaw,
Estep,
Hally,
Hoff,
Kittredge,

Messrs. Letcher,
Meredith,
McGarry,
McKamy,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Wells,
Wilson—24.

NAYS.

Messrs. Cardozo,
Flower,
Gardner,
Herbert,
*73

Messrs. McCandless,
McMahon,
McMeans,
Moore,

Messrs. Heydenfeldt,
Hunt,
Irwin,
Johnson,
Leake,
Mandeville,
Martin,

Messrs. Proctor,
Reading,
Saunders,
Tilghman,
Walker,
Yeiser,
Speaker—22.

Mr. Reading of Trinity moved that the amendments be laid on the table. On which the ayes and nays were demanded, and the motion was carried by the following vote :

AYES.

Messrs. Bell,
Cardozo,
Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Johnson,
Knight,
Leake,
Letcher,
Mandeville,

Messrs. Martin,
McCandless,
McKamy,
McMahon,
McMeans,
Moore,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Yeiser,
Speaker—27.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Covarrubias,
Crenshaw,
Hoff,
Kittredge,

Messrs. Meredith,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Walker,
Wells,
Wilson—19.

On motion of Mr. Heydenfeldt, Assembly bill for An Act to amend an Act entitled an Act concerning the office of Public Administrator and making it elective, passed May 15, 1851, was taken from the table, amended, and referred to a select committee of two.

The Chair announced, as such committee, Messrs. Heydenfeldt and Johnson.

Mr. Myres, on leave, introduced a bill for An Act to provide for security

to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

A message was received, informing the Assembly that the Senate the day passed Senate bill for An Act to abolish the Board of Supervisors in the county of Yolo.

The bill was then taken up, read a first and second time, and laid on the table.

On motion of Mr. Herbert, Assembly bill for An Act to improve the Tule Lands, and to encourage the cultivation of sugar, rice and cotton, was taken from the table and made the special order for to-morrow, at 11 o'clock, A. M.

On motion, at 7 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, May 11, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were found absent :

Messrs. Bell, Caldwell, Carhart, Covarrubias, Ewing, Fairfax, Gardner, Harrison, Irwin, Knight, Leake, Moore, Smith and Yeiser.

On motion, leave of absence was granted for one day each to Messrs. Harrison, Caldwell and Ewing, and to Mr. Knight for the remainder of the session.

The Journal of Tuesday last was read and approved.

Mr. Crenshaw, from the Committee on Claims, reported back Assembly bill for An Act for the relief of David W. Jenkins, with a recommendation that the same be indefinitely postponed.

The report was adopted, and the bill indefinitely postponed.

Mr. Crenshaw, from the same committee, reported back Assembly bill for the relief of Mrs. Sylvia Miller, with a recommendation that the same be indefinitely postponed.

The report was adopted, and the bill indefinitely postponed.

Mr. Cardozo, from the Committee on Commerce, reported back the

petition of Jefferson Hunt, praying for a law authorizing him to construct a Boom across the American River, with a recommendation that the same be laid on the table.

The report was adopted, and the petition laid on the table.

Mr. Cardozo, from the same committee, reported back Assembly bill for An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852, with a recommendation that the same be passed.

The report was adopted, and the bill laid on the table.

Mr. Yeiser submitted the following report, which was read and adopted :

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to provide for Security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29, 1851;

Also, An Act explanatory of an Act entitled an Act defining the time within which Actions shall be commenced in certain cases;

And An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State.

Which they beg leave to report back, with the recommendation that they be passed.

The committee also report back An Act for the relief of the Claimants of lots or blocks in the Town of 'Trinidad, in the County of Klamath, for the consideration of the House.

They also recommend that the following bills be not passed, viz :

An Act concerning Conveyances of Real Estate ;

An Act to amend an Act concerning Divorces, passed March 25, 1851 ;

An Act to repeal an Act entitled an Act concerning Divorces ;

An Act to amend an Act to regulate Proceedings in Criminal cases ;

And An Act explanatory of the duties of Sheriffs, under the thirty-seventh section of the Act to provide for levying, assessing and collecting, Public Revenue, passed April 23d, 1852.

FRED. YEISER,
Chairman.

Assembly bill for An Act to provide for Security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29, 1851, was then taken up, considered engrossed, read a third time, and passed.

Assembly bill for An Act explanatory of an Act entitled an Act defining the time within which Actions shall be commence : in certain cases, was then taken up, considered engrossed, read a third time, and passed.

Assembly bill for An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State, was then taken up, and laid on the table.

Assembly bill for An Act for the relief of the Claimants of lots or blocks of land in the Town of Trinidad, in the County of Klamath, was then taken up, and laid on the table.

Assembly bill for An Act concerning Conveyances of Real Estate, was then taken up, read a third time, and lost.

Senate bill for An Act to amend an Act concerning Divorces, passed March 25, 1851, was then taken up, and laid on the table.

Assembly bill for An Act to repeal an Act entitled an Act concerning Divorces, was then taken up, read a third time, and lost.

Assembly bill for An Act explanatory of the duties of Sheriffs under the thirty-seventh section of the Act to provide for levying, assessing and collecting Public Revenue, passed April 23d, 1852, was then taken up, and laid on the table.

Assembly bill for An Act to amend an Act to regulate Proceedings in Criminal cases, was then taken up, read a third time, and lost.

Mr. Cardozo, from the Committee on Public Lands, reported back Assembly bill for An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April 20, 1852, with a recommendation that it be considered in committee of the whole House.

The report was adopted, and the bill laid on the table.

Mr. Cardozo, from the same committee, reported back the petition of James Dorland, and eighty-one other citizens of Solano County, praying for relief, with a recommendation that it be laid on the table.

The report was adopted, and the petition laid on the table.

Mr. Herbert, from the select committee to whom was referred 'An Act to authorize the raising of a Company of Rangers, reported the same back, and recommended that the same be passed.

The report was adopted, the bill considered engrossed, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was lost by the following vote :

AYES.

Messrs. Blake,
Canney,
Herbert,
Heydenfeldt,
Hunt,
Kittredge,
Leake,
Martin,
McCandless,

Messrs. McMahon,
Reading,
Thomas,
Tilghman,
Walker,
Wells,
Yeiser,
Speaker—17.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Crenshaw,
Estep,
Flower,
Hoff,

Messrs. McFarland,
McGarry,
Oliver,
Proctor,
Robinson,
Rogers,
Saunders,

Messrs. Huse,
Johnson,
Letcher,
Meredith,

Messrs. Sime,
Taylor,
Wing—21.

Mr. Proctor gave notice that he would, on to-morrow, move to reconsider the vote just taken.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act declaratory of the effect of the repeal of Criminal Laws ;

Also, An Act to limit the Hours of Labor ;

Also, An Act for the relief of C. H. Veeder ;

Also, An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled bills, reported that they had this day presented to the Governor, for his approval, An Act to provide Aaron Blanchard and Samuel Stephens with duplicate Warrants in lieu of certain Warrants lost or destroyed ;

An Act for the payment of certain persons therein named, for Labor performed and Materials furnished ;

An Act in relation to Personal Mortgages, in certain cases ;

An Act to abolish the Board of Supervisors in the counties of Calaveras, Sacramento and Colusi ;

An Act supplementary to an Act to fund the debt of Los Angeles county and provide for the payment thereof, passed March 19, 1853 ;

An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county ;

An Act for the relief of Albert Putnam ;

An Act to amend an Act to incorporate the city of San Jose, passed March 27, 1850 ;

An Act to fix the salary of the County Judge of Placer county ;

An Act appropriating money to defray the expenses of the government of this State ;

An Act to divide the county of Trinity, and form a new county out of the western portion of the same to be called Humboldt ;

An Act to incorporate the city of Monterey ;

An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract ;

An Act to amend an Act to fix the times of holding Court in the Eleventh Judicial District in this State, approved January 14, 1853 ;

An Act supplemental to an Act providing a fund for the use of a State Library, passed May 1, 1852 ;

Joint Resolution granting leave of absence to S. C. Astin, Sheriff of Placer county.

And the report was adopted.

Mr. Bostwick, from the same committee, reported as correctly enrolled An Act amendatory of an Act entitled an Act authorizing the Treasurer of the State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians, passed May 3, 1852 ;

Also, Joint Resolution relative to the Law Library at the city of San Francisco.

And the report was adopted ;

On motion of Mr. Owen, Assembly bill for An Act to prohibit Gaming, was taken from the table and recommitted to the select committee to whom was previously referred the bill, with instructions to report an amendment striking out the 18th section, and change section 18 to 19 and 20 to 19.

Assembly bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco, was then taken up, when

Mr. Blake moved a call of the House, which was sustained, and on the roll being called the following members were found absent : Messrs. Bell, Cardozo, Covarrubias, Fairfax, Flower, Gardner, Hally, Irwin, McMeans, Moore, Myres, Redding of Yuba, Smith and Wilson.

Messrs. Cardozo, Fairfax and Hally appeared at the bar of the House, were admitted, excused and took their seats.

On motion of Mr. Sime, further proceedings under the call were dispensed with.

Mr. Blake then moved that the bill be now read a third time.

Which was agreed to, and the bill had its third reading, and on the question, " Shall the bill now be passed ?"

The ayes and nays were demanded, and the bill was passed by the following vote :

AYES.

Messrs. Bell,
Blake,
Brush,
Canney,
Carpentier,
Conness,
Cardozo,
Herbert,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,

Messrs. Leake,
Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
McMahon,
Owen,
Rogers,
Tilghman,
Walker,
Wing—25.

NAYS.

Messrs. Bostwick,
Cabaniss,
Crenshaw,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Letcher,
McCandless,
McGarry,

Messrs. Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Wilson,
Yeiser,
Speaker—20.

Mr. Fairfax, from the Committee on Education, reported back Assembly bill. An Act for the more effectual distribution of the Laws, Journals and Public Documents of the State of California, with amendments, and recommended the passage of the bill.

The amendments to the bill reported by the Committee were then adopted by the House.

Mr. Johnson then submitted the following amendment, as a proviso to the third section : "*Provided*, the compensation of such agents shall not exceed to each person twelve dollars per day."

On which the ayes and nays were demanded, and the amendment was adopted by the following vote :

AYES.

Messrs. Brush,
Canney,
Conness,
Covarrubias,
Estep,
Flower,
Hally,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,

Messrs. Letcher,
Mandeville,
Martin,
McGarry,
Oliver,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Wing,
Yeiser—24.

NAYS.

Messrs. Bell,
Crenshaw,
Fairfax,
Leake,
McMahon,
Myres,

Messrs. Reading,
Rogers,
Thomas,
Wells,
Wilson—11.

The bill as amended was then considered engrossed, read a third time and passed.

A message was received from the Governor, informing the Assembly that he approved this day An Act supplementary to an Act entitled an Act providing a fund for the use of the State Library, passed May 1, 1852;

An Act to amend an Act to fix the time of holding Court in the 11th Judicial District in this State;

An Act appropriating money to defray the expenses of the Government of this State;

An Act to amend an Act to incorporate the city of San Jose, passed March 27, 1850;

And An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county.

Assembly bill for An Act to amend an Act concerning Roads and Highways, was then taken up, read a third time and passed.

On motion of Mr. Leake, Assembly bill for An Act to create the County of Mokelumne and provide for the organization of the same, was taken from the table.

The House then went into committee of the whole, Mr. Thomas in the chair, to consider the bill, and having made some progress thereon the committee rose and reported the same to the House, and asked leave to sit again.

Which was granted.

Mr. Conness moved to amend the first section so as to read as follows :

"Section 1. The county of Calaveras shall be and is hereby divided as follows :—Beginning in the middle of Molelumne river on the eastern boundary of San Joaquin county, thence up said river to the source of the south fork of the same, thence due east to the eastern boundary of the State, thence north-westerly to the south-east corner of El Dorado county, thence along the southern boundary of El Dorado county to the eastern line of Sacramento county, thence southerly along the eastern boundary of Sacramento and San Joaquin counties to the place of beginning. The northern portion of Calaveras county so cut off shall be called Mokelumne county, and the Seat of Justice shall be established by the qualified electors of Mokelumne county, at the first election hereinafter provided for.

On the adoption of which the ayes and nays were demanded, and the amendment was adopted by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Cardozo,
Estep,
Ewing,
Flower,
Hally,
Herbert,
Hoff,

Messrs. Huse,
Letcher,
McCandless,
McFarland,
McGarry,
McMeans,
Myres,
Owen,
Proctor,
Reading,
Saunders,
Wing—24.

NAYS.

Messrs. Bell,
Carpentier,
Heydenfeldt,
Hunt,
Irwin,

Messrs. Meredith,
McKamy,
Oliver,
Rogers,
Thomas,

Messrs. Johnson,
Kittredge,
Martin,

Messrs. Tilghman,
Walker,
Wells—16.

Mr. Leake then submitted several amendments to the bill, which were adopted.

Mr. Leake then moved that the bill be referred to the members from Calaveras county.

Which was agreed to.

A message was received informing the Assembly that the Senate yesterday postponed indefinitely Assembly Joint Resolution instructing the Secretary of State to furnish F. A. Snyder, with two copies of the Statutes of each of the preceding sessions of the Legislature.

And indefinitely postponed the following Assembly bills:

An Act to repeal an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27th, 1852;

Assembly bill for An Act to amend an Act defining the time of commencing civil actions; and

Assembly bill for An Act to regulate the business of the General and Special Terms of the Supreme and District Courts of this State and the Superior Court of the city of San Francisco;

And passed, yesterday, with amendments, Assembly bill for An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin;

And this day appointed Messrs. Catlin, Lyons and Lind as a committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act to amend an Act declaring certain rivers and creeks navigable.

Assembly bill for An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, as amended by the Senate, was then taken up, and the Senate amendments concurred in.

A message was received, informing the Assembly that the Senate, on the 7th instant, passed Senate bill for An Act to establish a Female Branch of a State University, to be located at the city of Benicia.

The bill was then taken up, read a first and second time, and referred to a select committee, composed of the Committee on Education and the Committee on Ways and Means, and two hundred and forty copies ordered to be printed.

Mr. Hoff submitted the following resolution, which was read and adopted:

Resolved, That no bills shall be printed except by the special order of the House.

On motion of Mr. Myres, Assembly bill for An Act to secure to settlers a pre-emption right to the overflowed and swamp Lands of this State, was taken from the table, and made the special order immediately after the disposition of the Hospital bill.

Assembly bill for An Act to improve the Tule Lands and to encourage the cultivation of sugar, rice and cotton, was taken up, and laid on the table.

Mr. Hoff, on leave, introduced a bill for An Act supplementary to an Act entitled an Act to create the county of Alameda and establish the Seat of Justice therein, and to define its boundaries, and to provide for its organization.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Carpentier, on leave, introduced a bill for An Act to amend an Act entitled an Act to regulate the settlement of the Estates of deceased persons.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Sime, at 2 o'clock, P. M., the House took a recess until half-past three.

The House re-assembled at half-past three o'clock, P. M.

Mr. Johnson, from the Judiciary Committee, reported back Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento, with an amendment to be substituted for all after the enacting clause in the bill.

On motion of Mr. Robinson, the bill and amendment were laid on the table.

Mr. Owen, from the select committee, to whom was referred Assembly bill for An Act to prohibit Gaming, with special instructions, reported the same back with amendments, to strike out section eighteenth, and change section nineteenth to section eighteenth, and section twentieth to section nineteenth.

Mr. Heydenfeldt moved to again recommit the bill, with instructions to the committee to report against striking out the eighteenth section.

On which the ayes and nays were demanded.

And the motion was lost by the following vote :

AYES.

Messrs. Bell,
Blake,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
McGarry,
McMahon,

Messrs. McMeans,
Myres,
Oliver,
Proctor,
Reading,
Saunders,
Tilghman,
Walker,
Yeiser—19.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Carpentier,

Messrs. Letcher,
Mandeville,
Martin,
Meredith,
McCandless,

Messrs. Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,

Messrs. McFarland,
McKamy,
Owen,
Redding,
Robinson,
Sime,
Taylor,
Wells,
Wing,
Speaker—30.

Mr. Conness moved that the amendments reported by the select committee be concurred in by the House.

Mr. Heydenfeldt moved to lay that motion on the table.

On which the ayes and nays were demanded.

And the motion was lost by the following vote :

AYES.

Messrs. Bell,
Blake,
Canney,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
McGarry,

Messrs. McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser—20.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Letcher,
Mandeville,

Messrs. Martin,
Meredith,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Wells,
Wilson,
Wing,
Speaker—32.

The question then recurring on the adoption of the amendments reported by the committee.

On which the ayes and nays were demanded.

And the amendments were adopted by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Letcher,
Mandeville,

Messrs. Martin,
Meredith,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Wells,
Wilson,
Wing,
Speaker—32.

NAYS.

Messrs. Bell,
Blake,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
McGarry,
McMahon,

Messrs. Moore,
Myres,
Oliver,
Proctor,
Reading,
Saunders,
Tilghman,
Walker,
Yeiser—19.

Mr. Mandeville moved that the bill be now put upon its final passage.

Mr. Heydenfeldt moved to lay the motion upon the table.

On which the ayes and nays were demanded.

And the motion to lay on the table was lost by the following vote :

AYES.

Messrs. Cardozo,
Herbert,
Heydenfeldt,
McGarry,
McMahon,
Moore,
Myres,

Messrs. Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Wells—14.

NAYS.

Messrs. Bell,
 Blake,
 Bostwick,
 Brush,
 Cabaniss,
 Carpentier,
 Conness,
 Covarrubias,
 Crenshaw,
 Estep,
 Ewing,
 Fairfax,
 Flower,
 Hally,
 Hoff,
 Hunt,
 Huse,
 Irwin,
 Johnson,

Messrs. Kittredge,
 Letcher,
 Mandeville,
 Martin,
 Meredith,
 McCandless,
 McFarland,
 McKamy,
 McMeans,
 Owen,
 Redding,
 Robinson,
 Saunders,
 Sime,
 Taylor,
 Wilson,
 Wing,
 Yeiser,
 Speaker—38.

Mr. Myres then moved to recommit the bill, with special instructions to exempt Placer County from its operation.

Mr. Heydenfeldt moved to amend the instructions, by inserting the words "San Francisco" after the word "Placer."

Mr. Mandeville then moved the previous question ; and on the question, "Shall the main question now be put?"

The ayes and nays were demanded.

And the House refused to sustain the motion by the following vote:

AYES.

Messrs. Bostwick,
 Brush,
 Cabaniss,
 Conness,
 Covarrubias,
 Estep,
 Ewing,
 Hoff,
 Hunt,
 Huse,
 Kittredge,
 Letcher,
 Mandeville.

Messrs. Martin,
 Meredith,
 McCandless,
 McFarland,
 McKamy,
 Owen,
 Redding,
 Robinson,
 Sime,
 Taylor,
 Wilson,
 Wing,
 Speaker—26.

NAYS.

Messrs. Bell,
Blake,
Carhart,
Carpentier,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Irwin,
Johnson,
McGarry,

Messrs. McMahon,
McMeans,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Saunders,
Thomas,
Tilghman,
Walker,
Wells,
Yeiser—27.

Mr. Bell then moved to lay the whole matter on the table.
On which the ayes and nays were demanded.

And the motion was lost by the following vote :

AYES.

Messrs. Bell,
Blake,
Carhart,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Irwin,
McGarry,

Messrs. McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser,
Speaker—22.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,

Messrs. Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Saunders,
Sime,

Messrs. Johnson,
Kittredge,
Letcher,

Messrs. Taylor,
Wilson,
Wing—30.

Mr. Mandeville then moved the previous question.

Which was sustained.

The question then recurring on the adoption of the amendment to the motion to recommit, with special instructions.

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bell,
Blake,
Carhart
Carpentier,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Irwin,

Messrs. McMahon,
McGarry,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser—22.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Letcher,
Mandeville,

Messrs. Martin,
Meredith,
McCandleas,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Wilson,
Wing,
Speaker—30.

The question then recurring on the motion to recommit, with special instructions.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs. Bell,
 Blake,
 Carhart,
 Cardozo,
 Crenshaw,
 Fairfax,
 Flower,
 Herbert,
 Heydenfeldt,
 Irwin,
 McGarry,

Messrs. McMahon,
 Moore,
 Myres,
 Oliver,
 Proctor,
 Reading,
 Thomas,
 Tilghman,
 Walker,
 Yeiser—21.

NAYS.

Messrs. Bostwick,
 Brush,
 Cabaniss,
 Canney,
 Carpentier,
 Conness,
 Covarrubias,
 Estep,
 Ewing,
 Hally,
 Hoff,
 Hunt,
 Huse,
 Johnson,
 Kittredge,
 Letcher,

Messrs. Mandeville,
 Martin,
 Meredith,
 McCandless,
 McFarland,
 McKamy,
 McMeans,
 Owen,
 Reading,
 Robinson,
 Saunders,
 Sime,
 Taylor,
 Wilson,
 Wing,
 Speaker—32.

The question then recurring, on the question, "Shall the bill now be passed?"

On which the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bostwick,
 Brush,
 Cabaniss,
 Canney,
 Conness,
 Cardozo,
 Covarrubias,
 Estep,
 Ewing,
 Hally,
 *75

Messrs. Martin,
 Meredith,
 McCandless,
 McFarland,
 McGarry,
 McKamy,
 McMeans,
 Owen,
 Redding,
 Robinson,

Messrs. Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,

Messrs. Saunders,
Sime,
Taylor,
Wilson,
Wing—31.

NAYS.

Messrs. Bell,
Blake,
Carhart,
Carpentier,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Huse,
Irwin,

Messrs. McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser,
Speaker—22.

Mr. Cardozo gave notice that he would, on to-morrow, move to reconsider the vote just taken.

Mr. Mandeville moved that the vote be now reconsidered.

Mr. Heydenfeldt moved to lay that motion on the table.

On which the ayes and nays were demanded.

And the motion to lay on the table was lost by the following vote:

AYES.

Messrs. Canney,
Carpentier,
Huse,

Messrs. McGarry,
Saunders—5.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,

Messrs. Martin,
Meredith,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Wilson,
Wing,
Speaker—29.

The question then recurring on the motion to reconsider, the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Canney,
Crenshaw,

Messrs. Johnson,
Speaker—4.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Kittredge,
Letcher.

Messrs. Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Sime,
Taylor,
Wilson,
Wing—26.

No quorum voting.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, May 12, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :
Messrs. Caldwell, Carhart, Reading of Trinity, Smith and Wells.

On motion, leave of absence was granted to Messrs. Estep and Carhart for the remainder of the session, and to Messrs. Caldwell and Wells each one day.

The Journal of Wednesday last was read and approved.

Mr. Estep presented the petition of certain citizens of Sacramento county, relative to overflowed lands in this State.

Which was read, and referred to the Committee on Agriculture.

Mr. Crenshaw, from the Committee on Claims, reported back the claim of James M. Warren, for extra work done on the Stockton State Hospital, with a recommendation that the same be not paid.

The report was adopted, and the claim laid on the table, and ordered not to be paid.

Mr. Crenshaw, from the same committee, reported back the claim of Elijah Steele, with a recommendation that it be not paid.

The report was adopted, and the claim laid on the table and ordered not to be paid.

Mr. Crenshaw, from the same committee, reported back the claims of certain citizens of Contra Costa county against the State, as witnesses in the case of the contested seat of Clark vs. Carpentier, with a recommendation that the same be laid on the table.

The report was adopted, and the claims were laid on the table.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act for the relief of W. Neil Walton, with a recommendation that it be laid on the table. The report was adopted, and the bill laid on the table.

Mr. Crenshaw, from the same committee, also reported back Assembly bill for An Act to authorize the State Treasurer to issue a duplicate School Land Warrants, with a recommendation that it be laid on the table.

The report was laid on the table; when,

On motion of Mr. Johnson, the bill was referred to the Judiciary Committee.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to provide means for paying the civil debt of this State, with amendments, recommending their adoption and the passage of the bill.

The report was adopted, and, with the bill, laid on the table.

Mr. McMeans, from the same committee, reported back Senate bill for An Act to provide Revenue for the support of the Government of this State, with amendments, recommending their adoption and the passage of the bill.

The report was adopted, and, with the bill, laid on the table, and made the special order for to-morrow, at 1 o'clock, P. M.

Mr. Herbert, from the Committee on Military Affairs, reported back Assembly bill for An Act to abolish the office of Quarter-Master General in this State and to provide for the performance of the duties thereof, with a recommendation that it be passed.

The report was adopted, the bill was then considered engrossed, read a third time and passed.

Mr. Cardozo, from the Committee on Commerce, to whom was recommit- ted Assembly bill for An Act to provide for the Measurement of Goods, reported the same back with amendments, recommending their adoption and the passage of the bill.

The report was adopted, and the bill was then amended, and ordered to be engrossed.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill

for An Act explanatory of the 39th section of an Act entitled an Act concerning Sheriffs, passed April 29th, 1851, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act to ratify and confirm an Ordinance passed by the city of San Francisco on the 7th day of March, 1853, authorizing the building of a Plank Road along Folsom street, in said city, from First street to Centre street, without amendment or recommendation.

The report was adopted, and the bill laid on the table.

Mr. Crenshaw, from the Committee on Federal Relations, reported back Senate Joint Resolution in relation to Postal arrangements, with a recommendation that it be indefinitely postponed.

The report was adopted, and the resolution indefinitely postponed.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act to provide for granting Passports, with a recommendation that the same be passed.

The report was accepted, and the bill was then read a third time and lost.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act explanatory of an Act entitled an Act defining the time in which actions shall be commenced in certain cases ;

Also, a bill for An Act to provide for security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29th, 1851 ; also,

An Act for the more effectual distribution of the Laws, Journals and Public Documents of the State of California.

And the report was adopted.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to repeal an Act to provide for the payment of State Prison Inspectors, approved May 3d, 1852 ;

An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25, 1851 ;

An Act to provide a Library for the Supreme Court ;

An Act to change the name of Alfred Morgan to Alfred Grey Morgan ;

An Act to provide for the pay and compensation of Major James Birney, as Paymaster to Troops called into the service of this State in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17th, 1851 ;

An Act to amend an Act defining the rights of husband and wife, passed on 17th April, 1850 ;

An Act concerning the auditing of Accounts by the Court of Sessions and Board of Supervisors.

And the report was adopted.

Mr. Wilson, from the same committee, reported that they had this day presented to the Governor for his approval An Act for the relief of Charles E. Pickett.

And the report was adopted.

The business of the committee having been gone through with, the Chair announced the question of the reconsideration of the vote by which

the House passed Assembly bill for An Act to prohibit Gaming, pending at the time of adjournment on yesterday, to be now in order.

And on the question, the ayes and nays were demanded.

And the House refused to reconsider by the following vote :

AYES.

Messrs. Bell,
Blake,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Huse,

Messrs. McMahon,
Myres,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser—17.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Carpentier,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Harrison,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,

Messrs. Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,
Wilson,
Wing—32.

Mr. Herbert moved to reconsider the vote by which the House refused to pass Assembly bill for An Act to authorize the raising of a Company of Rangers.

Which was agreed to.

The question then recurring on the question, "shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote :

AYES.

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Cardozo,

Messrs. Martin,
McCandless,
McKamy,
McMahon,
McMeans,

Messrs. Estep,
Ewing,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Leake,

Messrs. Myres,
Proctor,
Reading,
Redding,
Rogers,
Thomas,
Tilghman,
Walker,
Wilson,
Yeiser—30.

NAYS.

Messrs. Bostwick,
Brush,
Carpentier,
Covarrubias,
Crenshaw,
Harrison,
Hoff,
Huse,
Kittredge,
Letcher,

Messrs. Mandeville,
Meredith,
McFarland,
McGarry,
Owen,
Robinson,
Saunders,
Taylor,
Wing—19.

On motion of Mr. McFarland, Senate bill for An Act to abolish the present State Hospitals, was taken from the table.

Mr. McCandless moved that the bill be again laid on the table.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Blake,
Canney,
Cardozo,
Flower,
Hally,
Heydenfeldt,
Johnson,
McCandless,
Moore,

Messrs. Reading,
Robinson,
Saunders,
Sime,
Taylor,
Tilghman,
Wilson,
Yeiser,
Speaker—18.

NAYS.

Messrs. Bell,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,

Messrs. Mandeville,
Martin,
Meredith,
McFarland,
McGarry,
McKamy,

Messrs. Crenshaw,
 Estep,
 Ewing,
 Gardner,
 Harrison,
 Herbert,
 Hunt,
 Huse,
 Kittredge,
 Leake,
 Letcher,

Messrs. McMahon,
 McMeans,
 Myres,
 Oliver,
 Owen,
 Proctor,
 Redding,
 Rogers,
 Walker,
 Wing—33.

Mr. Johnson moved to recommit the bill, with instructions to report an amendment, striking out all after the enacting clause and inserting all after the enacting clause of Assembly bill for An Act to provide for the Indigent Sick.

Mr. Fairfax then moved that the House go into committee of the whole to consider the bill.

Mr. Johnson insisted that the motion to go into committee of the whole, embraced his motion to recommit, with instructions, and that the committee of the whole would be specially instructed.

The Chair decided that the committee of the whole would not be specially instructed; that they were competing motions; and that the motion to go into committee of the whole, took precedence of all motions to recommit, with instructions, to any other committee.

Mr. Johnson appealed from the decision.

And on the question, "Shall the decision of the Chair stand as the decision of this House?" the ayes and nays were demanded, and the decision was sustained by the following vote:

AYES.

Messrs. Bell,
 Bostwick,
 Brush,
 Cabaniss,
 Canney,
 Conness,
 Covarrubias,
 Crenshaw,
 Estep,
 Ewing,
 Fairfax,
 Flower,
 Gardner,
 Harrison,
 Herbert,
 Heydenfeldt,
 Hunt,
 Kittredge,
 Martin,

Messrs. Meredith,
 McCandless,
 McFarland,
 McGarry,
 McKamy,
 McMahon,
 McMeans,
 Myres,
 Oliver,
 Owen,
 Proctor,
 Rogers,
 Saunders,
 Taylor,
 Thomas,
 Tilghman,
 Walker,
 Wing—37.

NAYS.

Messrs. Blake,
Cardozo,
Hally,
Irwin,
Johnson,

Messrs. Letcher,
Mandeville,
Robinson,
Yeiser—9.

Mr. Johnson then moved to amend the motion to go into committee of the whole, by adding, with instructions to report as an amendment, strike out all after the enacting clause and insert all after the enacting clause of Assembly bill for An Act to provide for the Indigent Sick.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Canney,
Fairfax,
Flower,
Hally,
Harrison,
Heydenfeldt,
Johnson,
Letcher,
Moore,

Messrs. Reading,
Robinson,
Saunders,
Sime,
Taylor,
Wilson,
Yeiser,
Speaker—17.

NAYS.

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Conness,
Crenshaw,
Estep,
Ewing,
Herbert,
Hunt,
Irwin,
Kittredge,
Mandeville,
Martin,

Messrs. Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Proctor,
Rogers,
Thomas,
Walker,
Wing—27.

Mr. Oliver moved the previous question, and on the question, "Shall the main question now be put?"

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Bell,
 Bostwick,
 Brush,
 Conness,
 Ewing,
 Harrison,
 Herbert,
 Hunt,
 Mandeville,

Messrs. Meredith,
 McFarland,
 McKamy,
 McMahon,
 McMeans,
 Oliver,
 Owen,
 Rogers—17.

NAYS.

Messrs. Cabaniss,
 Canney,
 Carpentier,
 Cardozo,
 Fairfax,
 Flower,
 Hally,
 Hoff,
 Irwin,
 Johnson,
 Letcher,
 McCandless,
 Moore,

Messrs. Myres,
 Proctor,
 Reading,
 Robinson,
 Sime,
 Taylor,
 Thomas,
 Tilghman,
 Wilson,
 Wing,
 Yeiser,
 Speaker—25.

The House then went into committee of the whole, Mr. Heydenfeldt in the chair, to consider the bill; and having considered the same, the committee rose, and reported the bill back to the House, recommending its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Johnson then submitted the following amendment, to be inserted as the third section of the bill:

"Section 3. The Comptroller and Treasurer of State, together with the Attorney-General, respectively, are hereby constituted a Board of Examiners of the accounts and demands owing by each of their respective State Hospitals, and the accounts and indebtedness of the Hospitals up to the period when, by the provisions of this Act, the same are abolished, and so much thereof as found to be just and equitable by such Board of Examiners, or a majority thereof, shall by them be certified to the State Comptroller, who shall thereupon draw his warrant on the State Treasurer in favor of the President of each Board of Trustees respectively, to be paid out of the fund provided for the support of State Hospitals, by the several Acts now in force or repealed by this Act: *Provided*, if such fund shall be insufficient to pay and discharge the full amount of such indebtedness so audited, the Treasurer of State shall and he is hereby

authorized to pay to the President of the respective Boards, as aforesaid, the amount of such balance out of any moneys in the General Fund not otherwise specially appropriated by law: *And further provided*, if upon the examination of such accounts, and the payment and discharge of all the debts of each State Hospital respectively, there shall exist any surplus funds belonging to such Hospital, the same shall be paid into the Hospital Fund of the State: *Provided further*, that no power is hereby given to the Trustees of said Hospitals to contract for any thing which is not intended for the temporary support of the sick only."

On the adoption of which, the ayes and nays were demanded, and the amendment was adopted by the following vote:

AYES.

Messrs. Blake,
Carpentier,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Hoff,
Huse,
Irwin,
Johnson,
Letcher,

Messrs. Martin,
McCandless,
Moore,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Yeiser,
Speaker—26.

NAYS.

Messrs. Bell,
Brush,
Canney,
Conness,
Ewing,
Herbert,
Hunt,
Kittredge,
Leake,
Mandeville,
Meredith,
McFarland,

Messrs. McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Walker,
Wells,
Wing—23.

Mr. Johnson then submitted the following amendment, to be inserted as section four of the bill:

"Section 4. Such Board of Examiners, consisting of the Treasurer, Comptroller, and Attorney General of State, shall also examine into the condition of all State patients remaining in each of the State Hospitals on

the abolishment of the same, by the provisions of this Act, and make all needful arrangements with the Court of Sessions or Board of Supervisors, as it may be, or with the corporate authorities of either of said cities wherein is situated a State Hospital, for the medical attendance, support and necessary care of all such patients, for such time, as such care and attendance shall be absolutely necessary: *Provided*, the same shall not exceed for each patient, four dollars *per diem*, in full for all such expense, and the same shall be certified monthly by such Board of Examiners, and upon such certificate the Comptroller of State shall draw his warrant in behalf of the person or persons to whom the same shall be owing, on the Treasurer of State, to be paid out of any moneys in the General Fund not otherwise specifically appropriated by law."

On the adoption of which, the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Blake,
Covarrubias,
Flower,
Hally,
Heydenfeldt,
Hoff,
Huse,
Irwin,
Johnson,
Letcher,
McCandless,

Messrs. Moore,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Yeiser,
Speaker—22.

NAYS.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Conness,
Crenshaw,
Ewing,
Fairfax,
Herbert,
Hunt,
Kittredge,
Leake,
Mandeville,
Martin,

Messrs. Meredith,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Rogers,
Walker,
Wells,
Wing—27.

Mr. Oliver moved that the bill be read a third time now.
Which was agreed to.
And the bill was read a third time.

Mr. Heydenfeldt then moved to recommit the bill, with instructions to add a clause protecting the interest of the State in any suits at law brought in the name of said Hospitals.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs. Blake,
Canney,
Cardozo,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Irwin,
Johnson,
Moore,

Messrs. Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bell,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Herbert,
Hoff,
Hunt,
Huse,
Kittredge,
Leake,
Letcher,
Mandeville,

Messrs. Martin,
Meredith,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Walker,
Wells,
Wing—31.

The question then being, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Brush,
Cabaniss,
Carpentier,
Conness,
Crenshaw,
Ewing,

Messrs. Meredith,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,

Messrs. Herbert,
Hoff,
Hunt,
Kittredge,
Leake,
Letcher,
Mandeville,
Martin,

Messrs. Oliver,
Owen,
Redding,
Rogers,
Walker,
Wells,
Wing—29.

NAYS.

Blake,
Canney,
Cardozo,
Covarrubias,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Huse,
Irwin,
Johnson,

Messrs. Moore,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Yeiser,
Speaker—21.

On the question, "Shall the title stand?" it was amended so as to read, An Act to abolish the present State Hospitals and provide for liquidating the indebtedness of the same.

And the title, as amended, was agreed to.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin.

And the report was adopted.

A message was received, informing the Assembly that the Governor this day approved An Act to divide the county of Trinity and form a new county out of the western portion of the same, to be called Humboldt;

And on yesterday approved An Act for the relief of Albert Putnam; also,

An Act to incorporate the city of Monterey.

On motion of Mr. Oliver, at 4 o'clock, P. M., the House took a recess until 7½ o'clock.

EVENING SESSION.

The House re-assembled at 7½ o'clock, P. M.

A message was received, informing the Assembly that the Senate, yesterday, refused to concur in certain Assembly amendments to Senate bill

for An Act revising and amending an Act concerning the Courts of Justice of this State and Judicial Officers ;

And refused to concur in Assembly amendment to Senate bills for An Act to amend an Act to provide for the redemption of Comptroller's warrants drawn on the General Fund ;

And refused to concur in the report of the committee of conference on the disagreeing vote of the two Houses upon Senate bill for An Act to amend an Act declaring certain rivers and creeks navigable, passed February, 1851.

And appointed Messrs. Walton, Lind and Crabb as a committee of free conference on the disagreeing votes.

And passed, yesterday, with an amendment, Assembly bill for An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor ;

And passed An Act prohibiting certain violations of Sunday ;

An Act to prevent persons from enticing seamen to desert ; and

An Act to Fund the Debt of the County of Yolo, and provide for the payment thereof.

Senate bill for An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers, as returned from the Senate with Assembly amendments non-concurred in, was taken up.

The House insisted upon their amendments, and appointed, as a committee of conference, Messrs. Carpentier, Johnson and Myres on the disagreeing vote of the two Houses.

Senate bill for An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1st, 1853, as amended by the Assembly and non-concurred in by the Senate, was taken up, when the House insisted on their amendment, and appointed, as a committee of conference, Messrs. Taylor, Heydenfeldt and McMeans on the disagreeing vote.

Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18th, 1851, as amended, was then taken up, and the House insisted upon their amendments, and appointed, as a committee of free conference, Messrs. Heydenfeldt, Yeiser and Johnson on the disagreeing votes of the two Houses.

Assembly bill for An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor, as amended by the Senate, was then taken up, and Senate amendments concurred in.

Senate bill for An Act prohibiting certain violations of Sunday, was then taken up, read a first and second time, and referred to a select committee of three.

The Chair announced, as such committee, Messrs. Conness, Tilghman and Meredith.

Senate bill for An Act entitled an Act to prevent persons from enticing seamen to desert, was then taken up, read a first and second time ; the rules suspended, it was then read a third time and passed.

Senate bill for An Act to Fund the Debt of the county of Yolo and provide for the payment thereof, was then taken up, read a first and second time ; the rules suspended, it was then read a third time and passed,

On motion of Mr. Sime, Assembly bill for An Act to amend an Act

entitled an Act to create a Board of Supervisors for the counties of this State and to define their duties and powers, was taken from the table, considered engrossed, read a third time and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, submitted the following report, which was read and adopted.

The Joint Committee on Enrolled Bills report that they have examined An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, and have made the following corrections in the enrolled bills :

In section 4, after the second word "the," have inserted the word "time;" and in the third line, in section 20, have erased the word "not."

On motion of Mr. Mandeville, the House then went into committee of the whole (Mr. Canney in the chair) on the consideration of Senate bill for An Act to establish an Asylum for the Insane of the State of California; and having considered the same, the committee rose, and reported the bill back with amendments, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The two first amendments reported by the committee of the whole, were then concurred in by the House.

The amendment to strike out the word "two," and insert "four," in fourth line of section 5, was then taken up.

And on the question of its adoption, the ayes and nays were demanded and the amendment was lost by the following vote :

AYES.

Messrs. Bell,
Cabaniss,
Estep,
Harrison,
Heydenfeldt,
Leake,
Mandeville,
McFarland,
McMahon,

Messrs. McMeans,
Myres,
Oliver,
Owen,
Thomas,
Walker,
Wells,
Yeiser—17.

NAYS.

Messrs. Blake,
Brush,
Canney,
Carpentier,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Flower,
Hally,
Hoff,

Messrs. Kittredge,
Letcher,
Meredith,
McCandless,
McGarry,
McKamy,
Moore,
Reading,
Redding,
Robinson,
Rogers,
Saunders,

Messrs. Hunt,
Huse,
Irwin,
Johnson,

Messrs. Sime,
Taylor,
Tilghman,
Wilson—32.

The remaining amendments reported by the committee of the whole, were then taken up and adopted.

A message was received, informing the Assembly that the Senate this day passed a bill for An Act supplementary to an Act to provide for the Incorporation of Railroad Companies, approved April 22, 1853; and

An Act supplementary to an Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento and Colusi, passed May 11th, 1853;

And a substitute to Assembly bill for An Act for the relief of Manuel Garfias;

And Assembly bill for An Act providing for the location of the County Seat of Colusi county;

And Assembly bill for An Act to provide for the security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29th, 1851.

Senate bill for An Act supplementary to an Act to provide for the Incorporation of Railroad Companies, approved April 22, 1853, was then read a first time, and laid over under the rules.

Senate bill for An Act supplementary to an Act entitled an Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento and Colusi, passed May 11th, 1853, was then taken up, read a first and second time; the rules suspended, it was then read a third time and passed.

Senate bill, substitute for Assembly bill for An Act for the relief of Manuel Garfias, was taken up, read a first and second time; the rules suspended, it was then read a third time.

And on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Hunt,

Messrs. Letcher,
McFarland,
McGarry,
McMahon,
McMeans,
Moore,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Saunders,
Taylor,

Messrs. Huse,
Johnson,
Kittredge,

Tilghman,
Walker,
Wells—32.

NAYS.

Messrs. Blake,
Brush,
Carpentier,
Fairfax,
Irwin,
Meredith,
McCandless,

Messrs. McKamy,
Myres,
Oliver,
Thomas,
Wilson,
Yeiser—13.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, May 13, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Covarrubias, Fairfax, Gardner, Herbert, Irwin, Leake, Martin, McMeans, Rogers, Smith, and Walker.

On motion, leave of absence was granted to Mr. Gardner for the remainder of the session.

The Journal of Thursday last was read and approved.

Mr. Crenshaw, from the Committee on Federal Relations, reported back Assembly Joint Resolution instructing our Senators and Representatives in Congress in relation to an Act of Congress to settle private land claims in California, with a recommendation that it be considered by the House.

The report was adopted, the resolution was then considered engrossed, and read a third time, and on the question of its passage,

The ayes and nays were demanded, and the resolution was passed by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Crenshaw,
Hally,
Harrison,
Hoff,
Leake,

Messrs. Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Robinson,
Rogers,
Wing—22.

NAYS.

Messrs. Canney,
Flower,
Heydenfeldt,
Hunt,
Huse,
Johnson,
Kittredge,
Letcher,
McFarland,

Messrs. McGarry,
Saunders,
Sime,
Taylor,
Wells,
Wilson,
Yeiser,
Speaker—17.

Mr. Crenshaw, from the same committee, reported back Senate Joint Resolution in relation to grants of land by the General Government in Utah Territory, with a recommendation that the same be passed.

The report was adopted, and the resolution was then read a third time.

Mr. Bostwick moved that the resolution be indefinitely postponed.

On which the ayes and nays were demanded, and the resolution was indefinitely postponed by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Caldwell,
Conness,
Fairfax,
Flower,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Hunt,
Huse,

Messrs. Mandeville,
McCandless,
McFarland,
McGarry,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,

Messrs. Irwin,
Johnson,
Kittredge,
Letcher,

Messrs. Tilghman,
Walker,
Wells—35.

NAYS.

Messrs. Bell,
Canney,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Herbert,
Leake,

Messrs. Meredith,
McKamy,
McMahon,
McMeans,
Myres,
Redding,
Thomas,
Wing—16.

Mr. Crenshaw, from the same committee, reported back Senate Joint Resolution in relation to claims against the General Government for supplies to Indian agents, with a recommendation that it be passed.

The report was adopted, the resolution was then read a third time, and on the question of its passage,

The ayes and nays were demanded, and it was lost by the following vote :

AYES.

Messrs. Bell,
Bostwick,
Brush,
Canney,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Hally,
McKamy,

Messrs. McMahon,
Moore,
Owen,
Taylor,
Thomas,
Tilghman,
Walker,
Wilson,
Yeiser—19.

NAYS.

Messrs. Blake,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Covarrubias,
Harrison,
Heydenfeldt,
Hoff,
Hunt,
Huse,

Messrs. Letcher,
Mandeville,
Meredith,
McCandless,
McFarland,
McGarry,
McMeans,
Oliver,
Proctor,
Reading,
Redding,

Messrs. Irwin,
Johnson,
Kittredge,
Leake,

Messrs. Sime,
Wells,
Wing—29.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers; also,
An Act to provide for the Measurement of Goods.
And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act to repeal an Act to provide for the payment of State Prison Inspectors, approved May 3, 1853;

An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25, 1851:

An Act to provide a Library for the Supreme Court;

An Act to change the name of Alfred Morgan to Alfred Grey Morgan;

An Act to provide for the pay and compensation of Major James Birney as paymaster to troops called into the service of this State in defending our Eastern frontier from the hostilities of Indians, under an Act passed March 17, 1851;

An Act to amend an Act defining the rights of Husband and Wife, passed on 17th April, 1850;

An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors;

An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of the Mariposa, second Eldorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians, passed May 3d, 1852;

An Act to provide for the construction of a Canal from Tulare lake to the waters of the San Joaquin; and

An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads;

And have deposited with the Secretary of State, Joint Resolution relative to the Law Library at the city of San Francisco.

Mr. Conness, from the select committee to whom was referred Senate bill for An Act prohibiting certain violations of Sunday, reported the same back, with a recommendation that it be passed.

And the report was adopted.

Mr. Wall moved to amend by striking out in section 1, line 4, the words "rope or wire dancing."

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bell,
Blake,
Cabaniss,
Cardozo,
Covarrubias,
Flower,
Herbert,
Heydenfeldt,
Hunt,
Huse,

Messrs. Meredith,
McCandless,
McGarry,
Moore,
Proctor,
Reading,
Thomas,
Wing,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bostwick,
Brush,
Caldwell,
Canney,
Carpentier,
Conness,
Crenshaw,
Ewing,
Hally,
Harrison,
Hoff,
Irwin,
Johnson,
Kittredge,

Messrs. Letcher,
Mandeville,
McKamy,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,
Walker,
Wells—27.

Mr. Herbert moved to lay the bill on the table.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Carpentier,
Cardozo,
Covarrubias,
Herbert,
Heydenfeldt,
Huse,

Messrs. Leake,
McCandless,
Myres,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Speaker—19.

NAYS.

Messrs. Bostwick,
Brush,
Canney,
Conness,
Ewing,
Hally,
Harrison,
Hoff,
Hunt,
Kittredge,
Letcher,
Mandeville,

Messrs. Meredith,
McFarland,
McKamy,
Moore,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Wells—24.

Mr. Wall then submitted an amendment to the first section.

Which was adopted.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the House refused to pass the bill by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Canney,
Ewing,
Harrison,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,

Messrs. McCandless,
McFarland,
McKamy,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Wilson—21.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Hally,
Herbert,
Heydenfeldt,
Huse,
Leake,
Meredith,

Messrs. McMeans,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Rogers,
Tilghman,
Walker,
Wells,
Wing,
Yeiser,
Speaker—27.

Mr. Conness moved to reconsider the vote just taken.

Mr. Herbert moved to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Bell,
Blake,
Cardozo,
Covarrubias,
Herbert,
Heydenfeldt,
Huse,
Leake,

Messrs. McCandless,
Moore,
Myres,
Oliver,
Proctor,
Tilghman,
Walker,
Yeiser—16.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Ewing,
Hally,
Harrison,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,

Messrs. Mandeville,
Meredith,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,
Wells,
Wilson,
Wing—30.

The vote by which the House refused to pass the bill was then reconsidered.

Mr. Conness moved that the bill be recommitted to a select committee of three, with instructions to strike out the words "rope and wire dancing."

Which was agreed to.

The Chair announced as such committee, Messrs. Conness, Tilghman, and Heydenfeldt.

Senate bill for An Act to provide revenue for the support of the government of this State, made the special order of this day at 1 o'clock, was taken up.

The House then went into committee of the whole, Mr. Heydenfeldt in the chair, on the consideration of the bill, and having made some progress thereon, the committee rose and reported the same to the House, and asked leave to sit again.

Which was granted.

On motion of Mr. Myres, Assembly bill for An Act to provide means for paying the civil debt of this State, was taken from the table and made the special order for Monday next, at 12 o'clock, M.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor ;

Also. An Act to limit the hours of labor.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, Joint Resolution instructing our Senators and Representatives in Congress in relation to an Act of Congress to settle private land claims in California.

And the report was adopted.

Mr. Carpentier, on leave, introduced An Act relative to Weights and Measures, and to provide Standards thereof for the State of California,

Which was read a first time, and laid over under the rules.

On motion, at 6 o'clock, P. M., the House took a recess until half past 7 o'clock.

EVENING SESSION.

The House re-assembled at half past 7 o'clock, P. M.

Mr. Fairfax, on leave, introduced a bill for An Act to regulate the election of Trustees and other town officers for the town of Oakland ;

Which was read twice, and referred to the Judiciary Committee.

Mr. Brush, on leave, introduced a bill for An Act granting permission to the Clay street Wharf Company to change the direction of the same ;

Which was read twice, and referred to the members from San Francisco county.

Three messages were received from the Senate, and laid over until tomorrow.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, May 14, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Caldwell, Carpentier, Cardozo, Covarrubias, Fairfax, Flower, Hally, Irwin, Johnson, Leake, Martin, McGarry, Moore, Smith, Thomas, Walker, and Wilson.

On motion of Mr. Robinson, leave of absence was granted to Mr. Harrison for the remainder of the session.

On motion of Mr. Heydenfeldt, the rules were suspended and the reading of the Journal was dispensed with for the present.

The House then went into committee of the whole, Mr. Heydenfeldt in the chair, on the consideration of Senate bill for An Act to provide revenue for the support of the government of this State, and having considered the same, the committee rose, and reported the bill back to the House with amendments, recommending their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments to the bill reported by the committee of the whole were then concurred in by the House.

Mr. Mandeville moved to amend article eight, section first, line five, by striking out the word "three," and inserting the word "two," and in line fifteen, strike out the word "five," and insert three."

On which the ayes and nays were demanded, and the amendment were lost by the following vote :

AYES.

Messrs. Brush,
Carpentier,
Mandeville,
Meredith,
McMahon,

Messrs. McMeans,
Oliver,
Rogers,
Thomas—9.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Caldwell,

Messrs. Letcher,
McCandless,
McFarland,
McGarry,
McKamy,

Messrs. Canney,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Huse,
Irwin,
Johnson,
Kittredge,

Messrs. Owen,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Tilghman,
Walker,
Wells,
Wing,
Yeiser—37.

Mr. Conness moved that the bill be read a third time now.
on which the ayes and nays were demanded, and the motion was carried by
the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Caldwell,
Canney,
Conness,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Harrison,
Hoff,
Huse,

Messrs. Kittredge,
Mandeville,
Meredith,
McCandless,
McFarland,
McMahon,
Myres,
Oliver,
Proctor,
Robinson,
Saunders,
Sime,
Thomas,
Tilghman,
Walker—30.

NAYS.

Messrs. Carpentier,
Ewing,
Heydenfeldt,
Johnson,
Letcher,
McGarry,

Messrs. McKamy,
McMeans,
Rogers,
Taylor,
Wells,
Yeiser—12.

The bill was then read a third time, and on the question, " Shall the bill
now be passed ?" the ayes and nays were demanded, and the bill passed by
by the following vote :

AYES.

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Crenshaw,
Fairfax,
Harrison,
Hoff,
Kittredge,
Meredith,
McCandless,

Messrs. McFarland,
McMahon,
Myres,
Oliver,
Proctor,
Redding,
Saunders,
Sime,
Thomas,
Tilghman,
Walker,
Wells,
Wing—26.

NAYS.

Messrs. Blake,
Carpentier,
Covarrubias,
Ewing,
Flower,
Hally,
Heydenfeldt,
Huse,
Johnson,

Messrs. Letcher,
Mandeville,
McGarry,
McKamy,
McMeans,
Robinson,
Rogers,
Taylor,
Yeiser—18.

Mr. Myres submitted the following report, which was read and concurred in by the House.

The committee of conference of both Houses, to whom was referred disagreeing vote in amendments to Senate bill for An Act revising and amending an Act concerning Courts of Justice of this State and Judicial Officers, submit the following report :

That they refuse to recede from House amendment to title and preamble.

That they recede from House amendment to section 7.

Refuse to recede from House amendment to section 11.

Recede from portion of amendment to third division of section 12 ; striking therefrom the words " Contra Costa."

Recede from amendment to seventh division, section 12.

Recede from amendment to second division, section 21.

Recede from amendment to section 28.

Do do do do 38.

Do do do do 39.

Do do do do 43.

Do do amendments do 44.

Do do amendments do 56.

Do do do do 89.

Do do do do 93.

Amend the amendment to section 94, by striking out of line five, the words "the action specified in this," and in line 6, the words "section of" and "other."

Recede from amendment to section 110.

All of which is respectfully submitted.

SAM. B. SMITH,
J. M. ESTILL,
JOHN S. HAGER,
Senate Committee.

B. S. MYRES,
J. NEELY JOHNSON,
Assembly Committee.

On motion of Mr. Robinson, at 2 o'clock, P. M., the House took a recess until half past three o'clock, P. M.

House re-assembled at half past three o'clock, P. M.

A message was received from the Governor, informing the Assembly that he approved, on the 12th instant, An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin.

An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads.

An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians, passed May 3, 1852.

And on the 13th instant, An Act for the relief of William Waldo.

A message was received, informing the Assembly that the Senate, on yesterday, passed An Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act to provide for the disposition of certain property of the State of California, passed March 26th, 1851.

And appointed Messrs. Smith, Hager and Estill, a committee of conference, on the disagreeing vote of the two Houses on Senate bill for An Act revising and amending an Act concerning the Courts of Justice of this State and Judicial Officers.

Senate bill for An Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, was then taken up, read a first and second time, and referred to the Committee on Ways and Means, with instructions to report on Monday next.

A message was received from the Senate, informing the Assembly that they passed on the 12th instant, Assembly bill for An Act to limit the hours of Labor; and

Senate bill for An Act amendatory and explanatory of an Act for the relief of William Waldo, approved May 1853; also of

An Act for the relief of Charles E. Pickett.

And a Concurrent Resolution in relation to European Colonization on the Continent of America.

Senate bill for An Act amendatory and explanatory of an Act for the relief of William Waldo, approved May 1853; and also

An Act for the relief of Charles E. Pickett, was then taken up, read a first and second time, the rules suspended, it was read a third time and passed.

Senate Concurrent Resolution in relation to European Colonization on the Continent of America, was then taken up, read and adopted.

A message was received from the Senate, informing the Assembly that they, on yesterday, concurred in the report of the committee of free conference on the disagreeing vote of the two Houses, on Senate bill for An Act to amend an Act declaring certain Rivers and Creeks navigable, passed February 18, 1851.

And passed yesterday An Act to limit the compensation of the Board of Supervisors of the county of San Francisco.

An Act supplementary to an Act to fund the indebtedness of the State which has accrued, or may accrue from April 29th, 1851, to Dec. 31st, 1852, inclusive, to provide for the payment of the three per cent. Bonds, approved May 1, 1852.

An Act for the permanent location of the Seat of Government of the State of California.

An Act to define the fees to be charged by Clerks of Courts for the Naturalization of Foreigners.

And a Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean.

Senate bill for An Act to limit the compensation of the Board of Supervisors of the county of San Francisco, was then taken up, read a first and second time, and referred to the members from the county of San Francisco.

Senate bill for An Act supplementary to an Act to fund the indebtedness of the State, which has accrued, or may accrue, from April 29, 1851, to December 31, 1852, inclusive, to provide for the payment of the three per cent. Bonds, approved May 1, 1852, was then taken up, read a first and second time, and referred to the Committee on Ways and Means.

Senate bill for An Act for the permanent location of the Seat of Government of the State of California, was then taken up, read twice, and referred to the Committee on Public Buildings and Grounds.

Senate bill for An Act to define the fees to be charged by Clerks of Courts for the Naturalization of Foreigners, was then taken up, read twice, and referred to the Judiciary Committee.

Senate Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean, was then taken up, read twice, and referred to the Committee on Federal Relations.

A message was received from the Senate, informing the Assembly that

they passed, this day, Assembly bill for An Act declaratory of the effect of the repeal of Criminal Laws, and passed, also, with amendments,

Assembly bill for An Act to authorize the raising of a Company of Rangers.

Assembly bill for An Act to authorize the raising of a Company of Rangers, as amended by the Senate, was then taken up, and the Senate amendments concurred in by the House.

Mr. Johnson, from the Judiciary Committee, reported a bill for An Act to authorize the State Treasurer to issue a duplicate land warrant to S. C. Hastings.

Which was read a first and second second time, the rules suspended, it was then read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to regulate the election of Trustees and other Town Officers for the Town of Oakland, with a recommendation that it be passed.

The report was adopted, and the bill read a third time and passed.

On motion of Mr. Thomas, the House went into committee of the whole, Mr. Myres in the chair, on the consideration of Senate bill for An Act for the establishment of a State Marine Hospital at San Francisco, and having considered the same, the committee rose, and reported the bill back with amendments, recommending their adoption, and the passage of the bill.

The amendments to the bill reported by the committee of the whole were then taken up, and concurred in by the House.

Mr. McCandless then moved that the bill be read a third time now.

Mr. McFarland moved to lay that motion on the table.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Conness,
Kittredge,
Mandeville,
McKamy,
McMahon,
McMeans,

Messrs. Myres,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Wells—15.

NAYS.

Messrs. Bell,
Cabaniss,
Canney,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Irwin,
Letcher,
McCandless,

Messrs. Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Yeiser,
Speaker—20.

On motion, at 6 o'clock, P. M., the House took a recess until 8 o'clock, P. M.

The House re-assembled at 8 o'clock, P. M.

Mr. McFarland moved a call of the House, which was sustained, and on the roll being called, the following members were found absent :

Messrs. Bostwick, Brush, Covarrubias, Fairfax, Herbert, Huse, Irwin, Leake, Martin, Meredith, McGarry, McKamy, Moore, Thomas, Tilghman, Walker, Wilson and Yeiser.

On motion of Mr. Moore, further proceedings under the call were dispensed with.

The House then resumed the consideration of Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco.

Mr. McFarland moved to amend the bill by striking out all after the enacting clause, and inserting all after the enacting clause of Assembly bill for An Act to provide for the Indigent Sick.

On which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Brush,
Caldwell,
Conness,
Kittredge,
Mandeville,
Meredith,
McFarland,
McMahon,

Messrs. McMeans,
Myres,
Owen,
Redding,
Robinson,
Rogers,
Wells—15.

NAYS.

Messrs. Bell,
Blake,
Cabanis,
Canney,
Ewing,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Hoff,
Irwin,
Letcher,

Messrs. McCandless,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Yeiser,
Speaker—23.

Mr. Conness moved to recommit to the Committee of Ways and Means,

with instructions to report a bill making provision for the indigent sick in the several counties of this State, having due regard to the requirements of the counties of San Francisco, Sacramento and Stockton, in the distribution of the hospital moneys of the State.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote :

AYES.

Messrs. Brush,
Caldwell,
Conness,
Ewing,
Hoff,
Kittredge,
Mandeville,
Meredith,
McFarland,

Messrs. McKamy,
McMeans,
Myres,
Owen,
Redding,
Robinson,
Wells,
Yeiser—17.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Flower,
Hally,
Heydenfeldt,
Irwin,
Letcher,

Messrs. McCandless,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker—18.

Mr. Canney moved that the bill be read a third time now.

Mr. McCandless moved the previous question, and on the question, " Shall the main question now be put ?" the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Blake,
Cabaniss,
Canney,
Hally,
McCandless,
Moore,

Messrs. Proctor,
Reading,
Taylor,
Thomas,
Walker—11.

NAYS.

Messrs. Bell,
Brush,
Caldwell,

Messrs. Letcher,
McFarland,
McKamy,

Messrs. Ewing,
Fairfax,
Flower,
Heydenfeldt,
Hoff,
Irwin,

Messrs. Myres,
Owen,
Redding,
Saunders,
Wells,
Yeiser—18.

No quorum voting.

Mr. McMeans moved to adjourn.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Brush,
Letcher,
Mandeville,
McFarland,

Messrs. Myres,
Owen,
Redding,
Robinson—8.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Canney,
Conness,
Ewing,
Fairfax,
Flower,
Hally,
Heydenfeldt,

Messrs. Hoff,
Irwin,
McCandless,
McKamy,
Moore,
Proctor,
Reading,
Saunders,
Thomas,
Wells,
Yeiser—22.

Mr. Mandeville moved to recommit the bill to the Committee on Ways and Means, with instructions to report a bill embracing substantially within its provision the bill under consideration, and Assembly bill for An Act to provide for the Indigent Sick.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Caldwell,
Conness,
Ewing,
Hoff,
Kittridge,

Messrs. McFarland,
McKamy,
McMeans,
Myres,
Owen,
Redding,
Robinson,

Messrs. Leake,
Mandeville,
Meredith,

Messrs. Rogers,
Walker,
Wells—20.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Irwin,
Letcher,

Messrs. McCandless,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Yeiser,
Speaker—20.

Mr. Ewing moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Caldwell,
Ewing,
Irwin,
Kittredge,
Leake,
Mandeville,

Messrs. McFarland,
McKamy,
Myres,
Owen,
Redding,
Robinson,
Rogers,
Wells—16.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Conness,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Hoff,
Letcher,

Messrs. McCandless,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Yeiser,
Speaker—22.

Mr. Proctor submitted an amendment to the amendment to the twentieth section.

Mr. Myres moved to lay the amendment on the table.

On which the ayes and nays were demanded, and the House refused to lay the amendment on the table by the following vote :

AYES.

Messrs. Ewing,
Hoff,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,

Messrs. McMeans,
Myres,
Owen,
Robinson,
Walker,
Wells—13.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Canney,
Conness,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Irwin,

Messrs. Letcher,
McCandless,
Moore,
Proctor,
Reading,
Redding,
Saunders,
Taylor,
Thomas,
Yeiser—21.

The amendment submitted by Mr. Proctor was then adopted.

Mr. Brush submitted the following as an amendment to section twentieth: *Provided*, That fifty per cent. of all the revenue derived under the provisions of this Act shall be set apart and divided by the Treasurer of State among the several counties of this State, *pro rata*, according to the population, to be paid into the several Courts of Sessions, and to be used exclusively for the care of the indigent sick of said counties.

Mr. Robinson submitted the following as a substitute for the amendment :

All expenses attending the removal of sick or infirm persons from any county in this State to the State Marine Hospital, shall be a charge upon and paid out of the funds of said Hospital, upon presentation of the account thereof, verified by the oath of the officer having charge of said removal.

On which the ayes and nays were demanded, and the substitute was lost by the following vote :

AYES.

Messrs. Brush,
Hally,
Kittredge,
Leake,
Mandeville,
Meredith,

Messrs. McFarland,
McKamy,
McMeans,
Robinson,
Thomas,
Wells—12.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Conness,
Ewing,
Fairfax,
Flower,
Heydenfeldt,
Hoff,
Irwin,

Messrs. Letcher,
McCandless,
Moore,
Myres,
Proctor,
Reading,
Redding,
Rogers,
Saunders,
Sime,
Taylor—22.

The question then recurring on the adoption of the amendment submitted by Mr. Brush.

On which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Brush,
Caldwell,
Ewing,
Fairfax,
Kittredge,
Mandeville,
Meredith,
McFarland,

Messrs. McKamy,
McMeans,
Myres,
Redding,
Robinson,
Rogers,
Wells—15.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Conness,
Flower,
Hally,
Heydenfeldt,
Hoff,
Letcher,
McCandless,

Messrs. Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Yeiser—19.

Mr. Leake moved to recommit the bill to a select committee of five, with instructions to report on Monday next, a bill to provide for the protection of the indigent sick.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote :

AYES.

Messrs. Brush,
Caldwell,
Conness,
Ewing,
Hoff,
Kittredge,
Leake,
Mandeville,
Meredith,

Messrs. McFarland,
McKamy,
McMeans,
Myres,
Redding,
Robinson,
Rogers,
Wells—17.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Letcher,
McCandless,

Messrs. Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Yeiser,
Speaker—20.

Mr. Mandeville moved to amend by inserting the following at the end of section twenty:

“*Provided*, That this Act shall not go into effect until after a bill shall have passed the present Legislature making proper provisions for the indigent sick in all the counties of this State.”

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Caldwell,
Conness,
Ewing,
Kittredge,
Leake,
Mandeville,
Meredith,
McFarland,

Messrs. McKamy,
McMeans,
Myres,
Redding,
Robinson,
Rogers,
Wells,
Yeiser—17.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,

Messrs. Letcher,
McCandless,
Moore,

Messrs. Canney,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Irwin,

Messrs. Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker—21.

Mr. Hoff submitted an amendment, which was adopted.

Mr. Canney moved that the bill be read a third time now.

On which the ayes and nays were demanded, and resulted as follows :

AYES.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Canney,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,

Messrs. Irwin,
McCandless,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Speaker—22.

NAYS.

Mr. Letcher—1.

No quorum voting.

Mr. Canney then moved that members who did not vote be expelled the House.

On motion of Mr. Myres, at 12 o'clock, P. M., the House adjourned by the following vote :

AYES.

Messrs. Brush,
Cabaniss,
Conness,
Ewing,
Hally,
Kittredge,
Leake,
Letcher,
Mandeville,

Messrs. Meredith,
McMeans,
Myres,
Oliver,
Redding,
Saunders,
Taylor,
Thomas—17.

NAYS.

Messrs. Bell,
 Blake,
 Canney,
 Fairfax,
 Flower,
 Herbert,
 Heydenfeldt,
 Hoff,

Messrs. Irwin,
 McCandless,
 McKamy,
 Moore,
 Proctor,
 Reading,
 Walker,
 Yeiser—16.

HOUSE OF ASSEMBLY.

MONDAY, May 16, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Covarrubias, Crenshaw, Huse, Martin, McCandless, Reading of Trinity, Smith, Tilghman, Wilson, and Yeiser.

On motion, leave of absence was granted for one day each to Messrs. Crenshaw and Huse.

The Journal of Friday last was read and approved.

On motion of Mr. Heydenfeldt, the reading of the Journal of Saturday last was dispensed with.

Mr Meredith, from the Committee on Public Buildings and Grounds, reported back Senate bill for An Act for the permanent location of the Seat of Government of the State of California, with a recommendation that it be passed.

Mr. Sime, from the same committee, reported an amendment to be substituted for all after the enacting clause of the bill.

Mr. Robinson moved that the amendment be adopted.

On which the ayes and nays were demanded, and the amendment was lost by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Caldwell,
Conness,
Cardozo,
Hally,
Herbert,
Johnson,

Messrs. Letcher,
Myres,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Yeiser—17.

NAYS.

Messrs. Brush,
Cabaniss,
Canney,
Carpentier,
Ewing,
Fairfax,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,
Leake,

Messrs. Mandeville,
Meredith,
McFarland,
McKamy,
Moore,
Oliver,
Owen,
Redding,
Thomas,
Walker,
Wells,
Speaker—24.

Mr. Canney moved to reconsider the vote by which the House refused to adopt the amendment.

On which the ayes and nays were demanded, and the House refused to reconsider by the following vote :

AYES.

Messrs. Blake,
Bostwick,
Caldwell,
Canney,
Conness,
Hally,
Herbert,
Johnson,
Letcher,
McMahon,
McMeans,

Messrs. Myres,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Walker,
Wing,
Yeiser,
Speaker—21.

NAYS.

Messrs. Brush,
Cabaniss,

Messrs. Leake,
Mandeville,

Messrs. Carpentier,
Cardozo,
Ewing,
Fairfax,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,

Messrs. Meredith,
McFarland,
McKamy,
Moore,
Oliver,
Owen,
Redding,
Thomas,
Wells—22.

Mr. Owen moved that the bill be read a third time now ; which was agreed to, and the bill was read a third time, and on the question, "Shall the bill pass ?"

The ayes and nays were demanded, and the bill was passed by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Carpentier,
Cardozo,
Ewing,
Fairfax,
Hally,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,

Messrs. Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
Moore,
Myres,
Oliver,
Owen,
Redding,
Taylor,
Thomas,
Wells—26.

NAYS.

Messrs. Bell,
Blake,
Caldwell,
Canney,
Conness,
Herbert,
Johnson,
Letcher,
McMahon,
McMeans,

Messrs. Proctor,
Reading,
Robinson,
Saunders,
Sime,
Walker,
Wing,
Yeiser,
Speaker—19.

The following message was received from the Senate :

Mr. Speaker:

The Senate respectfully requests that the Assembly will appoint a com-

mittee of free conference on Senate bill for An Act to establish an Asylum for the Insane of the State of California.

Messrs. Keene, Lind and Sprague, were this day appointed as the committee on the part of the Senate.

The Senate passed, on the 13th instant, An Act in relation to joint tenancies and tenancies in common.

And on the 14th instant, Joint Resolution recommending that Luther Wright be paid the sum of \$966 80, for services rendered.

An Act for the relief of John W. Jackson.

An Act in relation to resistance of payment of the revenue due the State.

An Assembly bill for An Act to Fund the Debt of the county of Sutter, and provide for the payment thereof.

And with amendments, Assembly bill for An Act to amend an Act for the protection of Game.

And with amendments also, Assembly bill for An Act for the more effectual distribution of the Laws, Journals, and Public Documents of the State of California.

And the Senate respectfully requests that a committee of free conference be appointed on the part of the Assembly, to act with a corresponding committee of the Senate, to consider the revenue bill, and the amendments made thereto by the Assembly; and that Messrs. Walton, Smith, and Hubbs, are the Committee on the part of the Senate.

By order of the Senate.

A. C. BRADFORD,

Secretary.

May 16, 1853.

On motion of Mr. Leake, a committee of three, as a committee of free conference, was appointed to confer with a similar committee on the part of the Senate, on Senate bill for an Act to establish an Asylum for the Insane of the State of California.

The Chair announced as such committee, Messrs. Yeiser, Herbert, and McMeans.

Senate bill for An Act in relation to joint tenancies and tenancies in common, was then taken up, read a first and second time, and referred to the Judiciary Committee.

Senate Joint Resolution, recommending that Luther Wright be paid the sum of nine hundred and sixty-six dollars and eighty cents, for services rendered, out of the reserved part of the civil fund, as set forth in section 8 of the funding act of 1852, approved May 1, was then taken up, read a first and second time, and laid on the table.

Senate bill for An Act for the relief of John W. Jackson, was then taken up, read twice, and referred to the Committee on Claims.

Senate bill for An Act in relation to resistance of payment of the revenue due the State, was then taken up, read a first and second time, considered in committee of the whole, reported back with a recommendation that it be passed, and the committee discharged.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Brush,
Caldwell,
Canney,
Comess,
Ewing,
Fairfax,
Hally,
Herbert,
Hoff,
Hunt,
Kittredge,
Leake,
Mandeville,
Meredith,

Messrs. McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Qwen,
Redding,
Robinson,
Thomas,
Wells,
Wing,
Yeiser—29.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Carpentier,
Flower,
Heydenfeldt,
Irwin,
Johnson,
Letcher,

Messrs. McGarry,
Proctor,
Reading,
Rogers,
Saunders,
Sime,
Taylor,
Speaker—17.

Assembly bill for An Act to amend an Act entitled an Act for the protection of Game, as amended by the Senate, was then taken up, and the Senate amendment concurred in by the House.

Assembly bill for An Act for the more effectual distribution of the Laws, Journals, and Public Documents of the State of California, as amended by the Senate, was then taken up, and the Senate amendments concurred in by the House.

On motion of Mr. Hoff, a committee of three was appointed as a committee of free conference on the part of the House, on Senate bill for An Act to provide revenue for the support of the Government of this State.

The Chair announced as such committee Messrs. Hoff, Bell, and Canney.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to amend an Act relating to Corporations, with an amendment, and recommended the passage of the bill.

The report was adopted, the bill amended, read a third time, and passed.

A message was received, informing the Assembly that the Senate concurred, on the 14th instant, in the report of the committee of conference on the

disagreeing vote of the two Houses on Senate bill for An Act revising and amending the Act concerning Courts of Justice of this State and Judicial Officers.

And passed, on the 14th instant, An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent City, in the county of Klamath.

Senate bill for An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent City, in the county of Klamath, was then taken up, read twice, and referred to the Committee on Commerce.

Mr. McMeans, from the Committee on Ways and Means, reported back Senate bill for An Act supplementary to an Act to fund the indebtedness of the State which has accrued, or may accrue, from April 29, 1851, to December 31, 1852, inclusive, to provide for the payment of the three per cent. bonds, approved May 1, 1852, with a recommendation that it be passed.

The report was adopted, the bill considered in committee of the whole, reported back, its passage recommended, and the committee discharged.

The bill was then read a third time and passed.

Mr. Robinson, from the Committee on Ways and Means, reported back Senate bill for An Act to amend an Act entitled an Act prescribing the mode of assessing and collecting public revenue, passed May 1, 1851, with a recommendation that it be not passed.

The report was adopted, and the bill was read a third time, and lost.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to regulate the settlement of the estates of deceased persons, with a recommendation that it be passed.

The report was adopted, and the bill read a third time and passed.

Mr. Thomas, from the Committee on Federal Relations, reported back Senate Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean, with a recommendation that it pass.

The report was adopted, and the resolution was read a third time and passed.

Mr. Conness, from the select committee to whom was referred Senate bill for An Act prohibiting certain violations of Sunday, reported the same back with amendments, and recommended the passage of the bill.

The report was adopted, the bill amended, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was lost by the following vote :

AYES.

Messrs. Brush,
Cabaniss,
Carpentier,
Conness,
Ewing,
Hally,
Johnson,
Kittredge,
Letcher,
Mandeville,

Messrs. McCandless,
McFarland,
McKamy,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Wing—20.

NAYS.

Messrs. Blake,
Caldwell,
Cardozo,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Irwin,
McGarry,
McMahon,

Messrs. McMeans,
Moore,
Myres,
Proctor,
Reading,
Rogers,
Thomas,
Walker,
Wells,
Yeiser—20.

Mr. Taylor, from the San Francisco delegation, reported back Senate bill for An Act to limit the compensation of the Board of Supervisors of the county of San Francisco, with a recommendation that it be passed.

The report was adopted, and the bill read a third time, and passed.

Mr. Rogers, from the Calaveras delegation, reported back Assembly bill for An Act to create the county of Mokelumne, and provide for the organization of the same, without recommendation.

The report was adopted, and the bill was laid on the table.

On motion of Mr. Herbert, Assembly bill for An Act to improve the Tule lands, and to encourage the cultivation of Sugar, Rice and Cotton, was taken from the table, read a third time, and on the question, " Shall the bill now be passed ?"

The ayes and nays were demanded, and the bill was lost by the following vote :

AYES.

Messrs. Blake,
Canney,
Cardozo,
Ewing,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Kittredge,
Mandeville,

Messrs. McCandless,
Moore,
Myres,
Proctor,
Reading,
Rogers,
Sime,
Walker,
Yeiser—19.

NAYS.

Messrs. Brush,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Fairfax,
Flower,

Messrs. McKamy,
McMeans,
Owen,
Redding,
Robinson,
Saunders,
Taylor,

Messrs. Irwin,
Johnson,
Letcher,
McGarry,

Messrs. Thomas,
Wells,
Wing—21.

Mr. Wing, on leave, introduced a bill for An Act to abolish the Board of Supervisors of the county of El Dorado, which was read a first and second time, the rules suspended, it was then read a third time, and passed.

On motion of Mr. McCandless, Senate bill for An Act to ratify and confirm an ordinance passed by the city of San Francisco on the seventh day of March, 1853, authorizing the building of a plank road along Folsom street in said city, from First street to Centre street, was taken from the table, read a third time, and on the question, "Shall the bill pass?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Blake,
Canney,
Carpentier,
Conness,
Cardozo,
Ewing,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Johnson,
Letcher,

Messrs. McCandless,
McGarry,
McKamy,
Moore,
Owen,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Wells,
Wing—24.

NAYS.

Messrs. Brush,
Cabaniss,
Caldwell,
Hunt,
Irwin,

Messrs. Meredith,
McMahon,
Redding,
Robinson,
Thomas—10.

Mr. Heydenfeldt, from the select committee to whom was referred Assembly bill for An Act to regulate the election of municipal officers in the city of San Francisco, and the time of their taking office, reported the same back with a recommendation that it be passed.

The report was adopted, and the bill read a third time and passed.

Assembly bill for An Act explanatory of the 39th section of An Act entitled an Act concerning Sheriffs, passed April 29, 1853, was taken up, read a third time, and passed.

Assembly bill for An Act to amend an Act to create the county of Alameda, and to establish the seat of justice therein, to define its boundaries, and provide for its organization, was taken from the table, and indefinitely postponed.

Assembly bill for An Act requiring the Comptroller of State to draw his warrant for a certain sum in favor of any person or persons arresting or capturing the robber Joaquin, was taken up, and indefinitely postponed.

Senate bill for An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools, approved May 3, 1852, was taken up, considered in committee of the whole, reported back with amendments, and the committee discharged.

The amendments reported by the committee of the whole were then concurred in by the House, and the bill was read a third time, and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to authorize the raising of a company of Rangers ;

Also, An Act declaratory of the effect of the repeal of Criminal Laws ;

Also, An Act to provide for security to be given by county officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29th, 1851 ;

Also, An Act providing for the location of the county seat of Colusi county ;

Also, An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851 ;

Also, An Act for the relief of Manuel Garfias, former Treasurer of Los Angeles county ;

Also, An Act entitled an Act to prevent persons from enticing Seamen to desert ;

Also, An Act supplementary to an Act entitled an Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento, and Colusi ;

Also, An Act to fund the debt of the county of Yolo, and provide for the payment thereof.

Mr. Bostwick submitted the following report, which was read and adopted :

Mr. Speaker :

The Joint Committee on Enrolled Bills have had presented to them for Enrollment, An Act to fix the compensation of County Judges, and Associate Justices of the Courts of Sessions, and to repeal a like Act passed April 22, 1850 ;

The engrossed bill, as passed by the Senate, has been lost, and the one presented with the accompanying enrolled bill and this report, has been engrossed by the Senate Clerk of the Committee on Engrossment from the original, with Senate amendments, and the amendments agreed upon by the joint committee of conference of the two Houses, as recorded upon the journal.

The limited time of the session remaining, precludes any other method of correcting the difficulty, and your committee submit the accompanying bill, enrolled as above stated, for the consideration of the Senate and Assembly, and recommend its adoption.

JOHN H. BOSTWICK,
Assembly Committee.

JOHN Y. LIND,
Chairman Senate Com.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to amend an Act relating to Corporations.

And the report was adopted.

On motion of Mr. Conness, the House took a recess until half past three o'clock, P. M.

The House re-assembled at half past three o'clock, P. M.

Assembly bill for An Act to provide for the Measurement of Goods, was then taken up, read a third time, and passed.

Assembly bill for An Act to locate a State road from the city of Benicia to the city of Sacramento, was taken up and indefinitely postponed.

Assembly bill for An Act to provide for the payment of the per diem and expenses of the Legislature during the year 1854, was then taken up, and indefinitely postponed.

Mr. Canney, from the Committee on Indian Affairs, reported back Senate bill for An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald in the county of San Diego, with a recommendation that the same be passed.

The report was adopted, and the bill referred to the Committee on Claims.

Assembly bill for An Act creating a Sabbath day in Tuolumne county, and providing that the same shall be kept holy, was taken up, and indefinitely postponed.

Assembly bill for An Act to provide for the removal in certain cases of criminal prosecutions from the Courts of Sessions in the District Court, was then taken up, read a third time, and passed.

Senate bill for An Act in relation to certain contingent expenses of the Legislature, was taken up, read a second time, and referred to the Committee on Claims.

Assembly bill for An Act to amend the Act to regulate proceedings in civil cases in courts of justice of the State of California, in respect to appeals from Justices' Courts in certain cases, was then taken up, and indefinitely postponed.

Assembly bill for An Act in relation to the division of counties, and the removal of county seats, was then taken up, amended, read a third time, and passed.

Mr. Herbert, from the select committee to whom was referred Assembly bill for An Act concerning the civil indebtedness of the State, without recommendation, and the bill was laid on the table.

Assembly bill for An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature, was then taken up, read a third time, and lost.

Assembly bill for An Act to repeal the first section of an Act entitled an Act concerning the salary of the District Attorney of San Francisco county, was taken up and indefinitely postponed.

Senate Concurrent Resolution, instructing the select committee to report a bill for districting of the State, was then taken up, and indefinitely postponed.

Assembly bill for An Act for the relief of John C. Cremony, was then taken up, considered in committee of the whole, reported back, with a recommendation that it be passed.

The committee was then discharged, and the bill read a third time, and passed.

Assembly bill for An Act to fund the floating debt of the county of Sacramento, and to provide for the payment of the same, was then taken up, amended, read a third time, and passed.

Assembly bill for An Act concerning the salaries of officers, and pay of members of the Legislature, was then taken up, when Mr. Myres moved to strike out after "Attorney-General" the words "fifteen hundred," and insert "four thousand."

On which the ayes and nays were demanded, and the amendment was adopted by the following vote :

AYES.

Messrs. Blake,
Cabaniss,
Caldwell,
Conness,
Cardozo,
Hally,
Herbert,
Johnson,
Leake,
McFarland,
McMahon,
Moore,
Myres,

Messrs. Owen,
Proctor,
Reading,
Robinson,
Rogers,
Saunders,
Smith,
Thomas,
Walker,
Wells,
Wing,
Yeiser—25.

NAYS.

Bostwick,
Brush,
Canney,
Carpentier,
Ewing,
Hunt,
Irwin,
Kittredge,
Letcher,

Messrs. Mandeville,
McCandless,
McGarry,
McKamy,
McMeans,
Redding,
Sime,
Taylor—17.

The bill was then considered engrossed, read a third time and passed.

Assembly bill for An Act for the relief of George S. Rigley, was then taken up, considered in committee of the whole, reported back, with a recommendation that it be passed.

The committee was discharged, and the bill read a third time and passed.

Assembly bill for An Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11th, 1851, was then taken up, and indefinitely postponed.

Senate Concurrent Resolution in relation to the Deed of the Mayor of the city of Benicia to the State of California, of a certain lot of ground in the city of Benicia, was then taken up, and concurred in by the House.

Senate bill for An Act for the relief of W. Neil Walton, was then taken up, and indefinitely postponed.

Assembly bill for An Act to provide for the payment of Clerks employed by the Comptroller and Treasurer, was then taken up, and indefinitely postponed.

Assembly bill for An Act amendatory of an Act entitled an Act concerning Corporations, passed April 22, 1850, was then taken up, and indefinitely postponed by the following vote :

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Carpentier,
Cardozo,
Ewing,
Hunt,
Irwin,
Kittredge,
Letcher,
Mandeville,

Messrs. McFarland,
McMeans,
Moore,
Myres,
Owen,
Redding,
Rogers,
Sime,
Smith,
Thomas,
Walker,
Wing—24.

NAYS.

Messrs. Canney,
Flower,
Heydenfeldt,
Johnson,
McGarry,
Proctor,

Messrs. Reading,
Robinson,
Saunders,
Taylor,
Wells,
Yeiser—12.

Assembly bill for An Act to provide for the Inspection of Beef and Pork, was then taken up, and indefinitely postponed.

Assembly bill for An Act for the protection of persons owning timber, logs and lumber floating upon waters or carried upon adjoining lands, was then taken up, and indefinitely postponed.

Assembly bill for An Act for the protection of persons who may settle upon private lands in this State, was then taken up, and indefinitely postponed by the following vote :

and some in favor of the bill. **AYES.**

Messrs. Bostwick,	Messrs. McFarland,
Brush,	Moore,
Canney,	Proctor,
Cardozo,	Reading,
Flower,	Saunders,
Hunt,	Sime,
Johnson,	Smith,
Kittredge,	Taylor,
Letcher,	Thomas,
Mandeville,	Walker—20.

and some in favor of the bill. **NAYS.**

Messrs. Cabaniss,	Messrs. Myres,
Caldwell,	Owen,
Carpentier,	Redding,
Ewing,	Robinson,
Heydenfeldt,	Rogers,
Irwin,	Wells,
McGarry,	Wing—15.
McMeans,	

A message was received from the Senate, informing the Assembly that they this day passed, with amendments. Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State;

And postponed indefinitely. Assembly bill for An Act to amend the ninth section of an Act concerning the Judges of the Plains and defining their duties, passed April 25, 1851;

And passed An Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12, 1850.

Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State as amended by the Senate, was then taken up.

Mr. Heydenfeldt moved that the House non concur in the Senate amendments.

Which was agreed to.

Mr. Heydenfeldt moved that a committee of free conference, to consist of seven, be appointed on the disagreeing vote of the two Houses on the bill.

Which was agreed to.

The Chair announced, as such committee. Messrs. Myres, Oliver, Redding of Yuba, Yeiser, Carpentier, Reading of Trinity, and Letcher.

Mr. Mandeville moved to reconsider the vote by which the committee of conference was appointed, being as follows:

On which the ayes and nays were demanded, and the House refused to reconsider by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Cabaniss,
Canney,
Cardozo,
Flower,
Kittredge,

Messrs. Moore,
Myres,
Oliver,
Redding,
Sime,
Thomas,
Speaker—14.

NAYS.

Messrs. Brush,
Carpentier,
Conness,
Ewing,
Fairfax,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Johnson,
Knight,

Messrs. Letcher,
McKamy,
McMeans,
Owen,
Reading,
Rogers,
Smith,
Taylor,
Wells,
Yeiser—21.

Senate bill for An Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12, 1850, was then taken up, read a first and second time; the rules suspended, read a third time and passed.

Senate bill for An Act concerning sureties on Official Bonds, was then taken up, amended, read a third time and passed.

A message was received, informing the Assembly that the Senate passed this day An Act for the relief of John Brown;

And Assembly bill for An Act to authorize the State Treasurer to issue a duplicate Land Warrant to S. C. Hastings.

Senate bill for An Act for the relief of John Brown, was then taken up, read a first and second time, considered in committee of the whole, reported back, with a recommendation that it be passed.

The committee was discharged, and the bill read a third time and passed.

Senate bill for An Act to authorize a Special Election in the county of Colusi, was then taken up, and indefinitely postponed.

Assembly bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851, was then taken up, and indefinitely postponed.

Assembly bill, substitute for Senate bill for An Act, to legalize certain Records of Deeds, and other instruments, in the county of Sacramento, was then taken up, and read a first and second time; the rules suspended, it was then read a third time and passed.

Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento, was then taken up, and postponed indefinitely.

Senate bill for An Act to amend an Act to provide for the Protection of

Foreigners and to define their liabilities and privileges, was then taken up, and indefinitely postponed.

Assembly bill for An Act to authorize the appointment of Book Keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer, and to provide for the payment of Clerks in the State Offices, was then taken up, and postponed indefinitely.

Proposed amendments to the Constitution of this State, were then taken up, and laid on the table by the following vote :

AYES.

Messrs. Caldwell,
Canney,
Carpentier,
Conness,
Cardozo,
Ewing,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Kittredge,
Leake,

Messrs. Letcher,
Martin,
McCandless,
McFarland,
McGarry,
McMahon,
McMeans,
Moore,
Myres,
Proctor,
Reading,
Saunders,
Tilghman,
Walker,
Speaker—30.

NAYS.

Messrs. Blake,
Brush,
Crenshaw,
Hoff,
Johnson,
Mandeville,
Meredith,
Oliver,

Messrs. Owen,
Redding,
Robinson,
Rogers,
Taylor,
Thomas,
Wells,
Wilson—16.

Senate bill for An Act to abolish the Board of Supervisors in the county of Yolo, was then taken up, and postponed indefinitely.

Assembly bill for An Act to amend the third section of the Act entitled an Act to License Gaming, passed March 14, 1851, was then taken up, considered engrossed, read a third time and passed.

Assembly bill for An Act concerning certain Courts in the county of San Francisco, was then taken up, and postponed indefinitely.

Assembly bill for An Act to prevent Hogs running at large in this State, was taken up, and postponed indefinitely.

Assembly bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851, was then taken up, and postponed indefinitely.

Assembly Joint Resolution relative to Public Lands and Internal Im-

provements, was then taken up, considered engrossed, read a third time and passed.

Assembly bill for An Act respecting the first day of the week, commonly called Sunday, was then taken up, and postponed indefinitely.

Senate bill for An Act to amend an Act entitled an Act concerning Toll Bridges, was then taken up, and postponed indefinitely.

Assembly bill for An Act to repeal an Act entitled an Act in relation to Actions wherein the State is a party, approved May 3, 1852, was then taken up, considered engrossed, read a third time and passed.

Senate bill for An Act in relation to Water Companies, was then taken up, and postponed indefinitely.

Assembly bill for An Act prescribing the mode of appointing Auctioneers and defining their duties, was then taken up, and postponed indefinitely.

Assembly bill for An Act to amend an Act entitled an Act to Fund the Indebtedness of the State which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, and to provide for the payment of three per cent. Bonds, was then taken up, and postponed indefinitely.

Assembly bill for An Act to repeal an Act entitled an Act for the relief of the Indigent Sick, approved April 16, 1852, was then taken up, and postponed indefinitely.

Assembly bill for An Act for the relief of the claimants of Lots or Blocks of Land in the town of Trinidad, in the county of Klamath, was then taken up, and postponed indefinitely.

Senate bill for An Act to amend an Act concerning Divorces, passed March 25, 1851, was then taken up, and postponed indefinitely.

Assembly bill for An Act concerning lawful Fences, and Animals trespassing on premises lawfully enclosed, was then taken up, considered engrossed, read a third time and passed.

Assembly bill for An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852, was then taken up, considered engrossed, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote :

AYES.

Messrs. Bell,
Blake,
Canney,
Cardozo,
Fairfax,
Hally,
Herbert,
Hoff,
Hunt,
Johnson,
Leake,
Mandeville,

Messrs. McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Proctor,
Robinson,
Rogers,
Thomas,
Tilghman,

Messrs. Meredith,
McCandless,

Messrs. Walker,
Wilson—28.

NAYS.

Messrs. Brush,
Caldwell,
Conness,
Crenshaw,
Ewing,
Flower,
Heydenfeldt,
Huse,
Kittredge,
Letcher,

Messrs. Martin,
McGarry,
Reading,
Redding,
Saunders,
Sime,
Smith,
Taylor,
Speaker—19.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act concerning lawful Fences, and Animals trespassing on premises lawfully enclosed;

Also, An Act amendatory of an Act entitled and Act to provide for the Inspection of Flour, passed May 3d, 1852.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act amendatory and explanatory of an Act for the relief of William Waldo, approved —;

And also, An Act for the relief of Charles E. Pickett.

Assembly bill for An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April 20, 1852, was then taken up, and postponed indefinitely.

Senate bill for An Act for the establishment of a State Marine Hospital at San Francisco, was then taken up.

And the House went into committee of the whole, (Mr. Moore in the chair,) on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House, with an amendment as a substitute for all after the enacting clause, and asked to be discharged from the further consideration of the subject.

Which was granted.

The House then concurred in the amendment reported by the committee of the whole.

Mr. Leake moved to amend the eighth section by striking out the word "one," before "Resident Physician," and inserting the word "two."

On which the ayes and nays were demanded.

And the amendment was adopted by the following vote:

AYES.

Messrs. Brush,
Cabaniss,
Conness,
Cardozo,
Ewing,

Messrs. Meredith,
McGarry,
McKamy,
McMahon,
McMeans.

Messrs. Fairfax,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,
Martin,

Messrs. Myres,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Thomas—26.

NAYS.

Messrs. Bell,
Blake,
Canney,
Carpentier,
Covarrubias,
Flower,
Hally,
Herbert,
Heydenfeldt,
Huse,
Irwin,
Knight,

Messrs. Leake,
McCandless,
Moore,
Proctor,
Reading,
Saunders,
Taylor,
Tilghman,
Wilson,
Yeiser,
Speaker—23.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote :

AYES.

Messrs. Bell,
Brush,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Irwin,

Messrs. Martin,
McCandless,
McGarry,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wells,

Messrs. Johnson,
Kittredge,
Leake,
Letcher,

Messrs. Wilson,
Yeiser,
Speaker—45.

NAYS.

Mr. McFarland,

Mr. McMeans—2.

And on the question, "Shall the title stand?" it was amended so as to read, "An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State."

And the title as amended was agreed to.

Mr. Hoff submitted the following report, which was read, and concurred in by the House:

Mr. Speaker:

The joint committee of free conference, to whom was referred a bill for An Act to provide Revenue for the support of the Government of this State, with the amendments made thereto by the Assembly, recommend that the Assembly recede from the following amendments, viz:

Amendments to Art. II, Sec. sub division 3;

Amendments to Art. II, Sec. 2;

Third amendment to Sec. 4;

Third amendment to Sec. 5;

And fifth amendment to Sec. 5;

First amendment to Art. X, Sec. 37.

And also recede from their amendments in striking out Sections 70, 71 and 72.

Your committee also recommend that the substitute adopted by the Assembly for Sec. 14 of Art. VIII, be amended by striking out in the twenty ninth line, the words "shall be then destroyed," and inserting the words "and shall be transmitted by the County Auditor, with his annual statement, to the Comptroller of State."

And also, that Art. VIII, Sec. 16, be amended by striking out in the last line, the word "destroyed," and inserting the words "transmitted to the Comptroller of State."

And amend the amendment to Sec. 17 of Art. VIII, by striking out in the seventh line the word "forty" and inserting the word "sixty."

And in the ninth line, by striking out the word "sixty," and inserting the word "forty."

Amend substitute for Sec. 16, Art. X, by inserting after the word "property," in ninth line, the words, "or any species of property held by him in trust for another."

And add as an additional section the following:

"Section—. All moneys collected as revenue in this State, the disposi

tion of which is not otherwise provided by law, shall be paid into the General Fund."

All of which is respectfully submitted.

J. WALTON,
Chairman Sen. Com.

JOHN J. HOFF,
Chairman Assem. Com.

PATRICK CANNEY,
SAM. BELL.

Mr. Taylor submitted the following report, which was read and concurred in by the House :

Mr. Speaker :

The committee of conference on the disagreeing vote of the two Houses, in relation to Assembly amendments to Senate bill No. 191, in relation to Comptroller's Warrants, have agreed to recommend that the amendment be amended by striking out "fifty," and inserting "twenty-five."

JAMES M. TAYLOR,
S. A. McMEANS,
Of the Assembly.

PAUL K. HUBBS,
Of the Senate.

May 15, 1853.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act concerning the Salaries of Officers and Pay of Members of the Legislature ;

Also, An Act in relation to the division of Counties, and the removal of County Seats.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, submitted the following report, which was read and adopted :

ASSEMBLY, May 16, 1853.

Mr. Speaker :

The Joint Committee on Enrollment report that, they have this day presented to the Governor for his approval, An Act to authorize the raising a Company of Rangers ;

An Act declaratory of the effect of the repeal of Criminal Laws ;

An Act to provide for Security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29, 1851.

An Act providing for the location of the County Seat of Colusi County

An Act to amend an Act entitled an Act declaring certain Rivers and Creeks navigable, passed February, 1851 ;

An Act for the relief of Manuel Garfias, former Treasurer of Los Angeles County ;

An Act entitled an Act to prevent persons from enticing Seamen to desert ;

An Act supplementary to an Act entitled an Act to abolish the Boards of Supervisors in the Counties of Calaveras, Sacramento and Colusi ;

An Act to Fund the Debt of the County of Yolo, and to provide for the payment thereof ;

An Act to Fund the Debt of Sutter County, and to provide for the payment thereof ;

An Act to amend an Act entitled an Act for the protection of Game ;

An Act for the more effectual distribution of the Laws, Journals and Public Documents, of the State of California ;

An Act amendatory and explanatory of an Act for the relief of William Waldo, approved ;

And also, An Act for the relief of Charles E. Pickett, approved ;

An Act to limit the Hours of Labor ;

An Act to prevent persons from obstructing the Channels of Humboldt Bay and Harbor ;

An Act to fix the compensation of County Judges and Associate Justices of Courts of Sessions, and to repeal a like Act passed April 22, 1850.

JOHN H. BOSTWICK,
Assembly Committee.

On motion, at 12 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, May 17, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :
Messrs. Carpentier, Fairfax, Hoff, Irwin, Letcher, Martin, McMeans, Moore, Myres, Oliver, Reading of Trinity, Redding of Yuba, Thomas, Wilson and Yeiser.

On motion of Mr. Heydenfeldt, the reading of the Journals was dispensed with.

Mr. Canney submitted the following report, which was read and adopted :

Mr. Speaker:

Your committee, to whom was referred the claim of James McLamar, believe that it is a just and valid claim against the State, and would call the attention of the House to the fact, that on a former occasion the House endorsed a report made by this committee, when the claim of the Hon. O. S. Wetherby was under consideration, and we therefore recommend the adoption of this report, as it is all that is necessary to have the account settled.

PATRICK CANNEY,
Chairman.

J. NEELY JOHNSON,
R. G. READING,
A. G. McCANDLESS,
WM. M. ROGERS,
JOHN T. CRENSHAW.

Mr. Cardozo, from the Committee on Commerce, reported back Senate bill for An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent City in the county of Klamath, with a recommendation that it be passed.

The report was adopted, when

Mr. McMahon moved that the bill be postponed indefinitely.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Blake,
Leake,
McMahon,

Messrs. Oliver,
Rogers—5.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Kittredge,
Knight,

Messrs. Letcher,
Mandeville,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
Moore,
Owen,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Tilghman,
Walker,
Wing,
Yeiser,
Speaker—43.

Mr. McCandless moved that the bill be read a third time.

Which was agreed to.

And the bill was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following voto:

AYES.

Messrs. Bell,
Bostwick,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Ewing,
Flower,

Messrs. Kittredge,
Knight,
Letcher,
Martin,
McCandless,
McFarland,
McGarry,
Moore,
Proctor,
Reading,
Robinson,

Messrs. Hally,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,

Messrs. Saunders,
Sime,
Smith,
Tilghman,
Walker,
Wells,
Speaker—36.

NAYS.

Messrs. Blake,
Brush,
Crenshaw,
Leake,
Mandeville,

Messrs. Meredith,
McKamy,
McMahon,
Oliver,
Rogers—10.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, Concurrent Resolution in relation to European Colonization on the Continent of America.

Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean.

An Act supplementary to an Act to fund the indebtedness of the State, which has accrued, or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, to provide for the payment of the three per cent. Bonds, approved May 1, 1852.

An Act to ratify and confirm an Ordinance passed by the city of San Francisco, on the 7th day of March, 1853, authorizing the building of a Plank Road along Folsom Street, in said city, from First street to Center street.

An Act to limit the compensation of the Board of Supervisors of the county of San Francisco.

Concurrent Resolution in relation to the deed of the Mayor of the city of Benicia to the State of California, of a certain lot of ground in the city of Benicia.

On motion of Mr. Bostwick, Mr. Mandeville was added to the Committee on Enrolled Bills.

A message was received, informing the Assembly that the Senate, this day, passed An Act to protect the Archives of the State and prevent their removal from Benicia.

And this day appointed Messrs. Walton, Smith, Estill, Hager, Foster, Hubbs and Walkup, as a committee of free conference on the disagreeing vote of the two Houses on Assembly bill for An Act to apportion the Senatorial and Assembly districts of this State;

And this day concurred in the report of the committee of free conference on the bill for An Act to provide revenue for the support of the government of the State.

Senate bill for An Act to protect the Archives of State and prevent their removal from Benicia, was then taken up, read a first time, and laid over under the rules.

Senate bill for An Act to amend the fourteenth section of an Act con-

cornering the office of County Treasurer, passed March 27, 1850, was then taken up, read a third time and passed.

Senate bill for An Act supplementary to an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853, was then read a second time, and referred to the Committee on Corporations.

Assembly bill for An Act concerning Licenses, was then taken up and postponed indefinitely.

Assembly bill for An Act to create a Board of Supervisors for the counties of this State and to define their duties and powers, was then taken up, and postponed indefinitely.

Assembly bill for An Act to provide for the appointment of Commissioners of Deeds, and to define their duties, was then taken up and postponed indefinitely.

Mr. Johnson, on leave, introduced a bill for An Act requiring County Treasurers, Public Administrators, and others, to settle their accounts.

Which was read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. Covarrubias, from the Committee on Military Affairs, reported back Assembly bill for An Act to provide for the defence of the frontier of the State, with a recommendation that it be not passed.

The report was adopted, and the bill postponed indefinitely.

Mr. Herbert submitted the following report, which was read and adopted:

Mr. Speaker:

The Joint Committee of the Senate, appointed to to confer with a similar committee of the Assembly upon the amendments offered by the Assembly to Senate bill for An Act to establish an Asylum for the Insane of the State of California, have had the same under consideration, and report their agreement as follows:

That the Assembly recede from their amendment to the third section, and amend the said original third section, by striking out all after the word "dollars" in the fourteenth line, to the word provided in the nineteenth line of the same section, and that the Senate agree to the other amendments of the Assembly.

B. F. KEENE,

J. Y. LIND.

R. T. SPRAGUE,

Senate.

S. A. McMEANS,

P. T. HERBERT,

FRED. YEISER.

Assembly bill for An Act to change the name of Contra Costa, and to create a new county to be called Contra Costa, was then taken up.

Mr. Crenshaw moved that the bill be postponed indefinitely.

On which the ayes and nays were demanded, and the bill was indefinitely postponed by the following vote :

AYES.

Messrs. Cabaniss,
Canney,
Conness,
Covarrubias,
Crenshaw,
Fairfax,
Herbert,
Hoff,
Hunt,
Johnson,
Leake,
Letcher,
Martin.

Messrs. McGarry,
McKamy,
McMeans,
Oliver,
Proctor,
Robinson,
Saunders,
Sime,
Smith,
Thomas,
Wells,
Wing—25.

NAYS.

Messrs. Bell,
Blake,
Carpentier,
Cardozo,
Ewing,
Flower,
Hally,
Heydenfeldt,
Irwin,
Kittredge,

Messrs. Knight,
Mandeville,
Meredith,
McFarland,
Rogers,
Taylor,
Tilghman,
Wilson,
Speaker—19.

A message was received from the Governor, informing the Assembly that he, this day, approved An Act to provide for security to be given by county officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29th, 1851.

An Act to limit the hours of Labor.

An Act for the more effectual distribution of the Laws, Journals and Public Documents of the State of California.

An Act to fund the debt of Sutter County, and to provide for the payment thereof.

An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor.

An Act to provide for the location of the County Seat of Colusi county.

An Act to authorize the raising of a Company of Rangers.

An Act to amend the first section of an Act for the Protection of Game, approved May 1, 1852; and

An Act declaratory of the repeal of Criminal Laws.

Assembly bill for An Act for the permanent location of the Seat of Gov-

ernment, was then taken up, together with the other bill relating to the same subject, and indefinitely postponed.

Assembly bill for An Act relative to Weights and Measures, and to provide standards thereof for the State of California, was then taken up, read a third time and lost.

Assembly bill for An Act to secure to settlers a pre-emption right to the overflowed and swamp Lands of this State, was then taken up, amended, considered engrossed, read a third time and passed.

A message was received from the Senate, informing the Assembly that they, this day, passed with amendments, Assembly bill for An Act to fund the floating debt of the county of Sacramento and to provide for the payment of the same.

The bill was then taken up, and the amendments of the Senate concurred in.

The following message was received from the Senate :

Mr. Speaker :

The Senate concurred yesterday in the report of the committee of conference on Senate bill for An Act to provide revenue for the support of the government of this State ;

And this day concurred in the report of the committee of conference on Senate bill for An Act to establish an Asylum for the Insane of the State of California.

And also in the report of the committee of conference on Assembly bill for An Act to apportion the Senatorial and Assembly districts of this State.

And passed on the 14th instant, an Act to fix the times of holding the Terms of the District Courts throughout this State.

By order of the Senate.

A. C. BRADFORD,
Secretary.

May 17, 1853.

Senate bill for An Act to fix the times for holding the Terms of the District Courts throughout this State, was then taken up, read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. McCandless, on leave, introduced a Concurrent Resolution in relation to the claim of Felix Argenti against the General Government.

Which was read and adopted.

A message was received, informing the Assembly that the Senate refused to concur in Assembly amendments to Senate bill for An Act for the establishment of Common Schools.

The House then took up the bill and refused to recede from their amendments, and appointed as a committee of conference, Messrs. Heydenfeldt, Tilghman, and Redding of Yuba, on the disagreeing vote of the two Houses on the bill.

Mr. Reading of Trinity, submitted the following report, which was read and laid on the table :

Mr. Speaker :

The Joint Committee of Conference, to whom was referred the bill to apportion, the Senate and Assembly districts, beg leave to report :

That your committee found that there was no basis established for representation, according to the requirements of the Constitution of this State, and that great injustice has been done to a large portion of this State by the present bill, and being unable to agree on the amendments proposed in the committee, would ask to be discharged from further consideration of the subject, and recommend a new committee of conference be appointed on the part of this House.

R. G. READING,
FRED. YEISER,
W. S. LETCHER,
House Committee.

SAM. B. SMITH,
PAUL K. HUBBS,
Senate Committee.

Mr. Myres submitted the following report :

Mr. Speaker :

The joint committee of conference, to whom was referred An Act to apportion the Senatorial and Assembly Districts of this State, report it back with one amendment to the bill as amended by the Senate, and recommended its passage.

Amend Section 1, by adding, after the words "three Senators," in the Fifteenth Senatorial District, the words "of whom two shall be elected by Yuba, and one by Yuba and Sutter jointly.

J. WALTON,
Chairman of Senate Committee.

B. F. MYRES,
Chairman of Assembly Committee.

On the adoption of the report, the ayes and nays were demanded, and the report was adopted by the following vote :

AYES.

Messrs. Bell,
Blake,
Bostwick,
Canney,
Conness,

Messrs. Martin,
McCandless,
McKamy,
McMeans,
Moore,

Messrs. Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Herbert,
Hunt,
Huse,
Irwin,
Kittredge,
Leake,

Messrs. Myres,
Oliver,
Owen,
Proctor,
Redding,
Rogers,
Saunders,
Thomas,
Tilghman,
Walker,
Wing—32.

NAYS.

Messrs. Brush,
Cabaniss,
Carpentier,
Hally,
Heydenfeldt,
Hoff,
Johnson,
Knight,
Letcher,
Meredith,

Messrs. McFarland,
McGarry,
Reading,
Robinson,
Smith,
Taylor,
Wells,
Wilson,
Yeiser—19.

Mr. Thomas submitted the following report, which was read and adopted :

ASSEMBLY, May 17, 1853.

Mr. Speaker :

The Committee on Engrossed Bills, report that they have examined and found correctly engrossed, the Assembly amendment to Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State.

CHAS. C. THOMAS.

Mr. Bostwick submitted the following report, which was read and adopted :

Mr. Speaker :

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor for his approval—

An Act supplementary to an Act to Fund the Indebtedness of the State which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, to provide for the payment of the three per cent. Bonds, approved May 1st, 1852 ;

An Act to ratify and confirm an Ordinance passed on the 9th day of

March, 1853, authorizing the building of a Plank Road along Folsom street in said city, from First street to Centre street ;

An Act to limit the compensation of the Board of Supervisors of the county of San Francisco.

And have deposited with the Secretary of State Concurrent Resolution in relation to European Colonization on the Continent of America ;

Joint Resolution in relation to a Railroad from the Mississippi to the Pacific Ocean ; and

Concurrent Resolution in relation to the Deed of the Mayor of the city of Benicia to the State of California, of a certain lot of ground in the city of Benicia.

JOHN H. BOSTWICK,
Assembly Committee.

Mr. Bostwick submitted the following report, which was read and adopted :

ASSEMBLY, May 17, 1853.

Mr. Speaker :

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled—

An Act in relation to the resistance of payment of Revenue due the State ; also,

An Act for the permanent location of the Seat of Government of the State of California ; also,

An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1st, 1853.

JOHN H. BOSTWICK,
Chairman of Assembly Committee.

Mr. McMeans, from the Committee on Ways and Means, reported back Senate bill for An Act to provide for the sale of the interest of the State of California in the property within the water line Front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, with an amendment for all after the enacting clause.

The report was adopted ; when Mr. Myres moved that Assembly bill for An Act to provide means for paying the Civil Debt of this State, be taken from the table, and considered, with the above bill.

Which was agreed to.

The House then went into committee of the whole, Mr. Hoff in the chair, on the consideration of the bills ; and having considered the same, the committee rose, reported them back, and recommended the passage of the Assembly bill, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Heydenfeldt moved to lay the bill on the table.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Crenshaw,
Flower,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McGarry,
Moore,

Messrs. Reading,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Walker,
Yeiser—16.

NAYS.

Messrs. Brush,
Cabaniss,
Canney,
Cardozo,
Covarrubias,
Ewing,
Herbert,
Hoff,
Huse,
Kittredge,
Leake,
Mandeville,
Martin,

Messrs. McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Tilghman,
Wells,
Wilson,
Wing—25.

Mr. Sime moved that the bill be postponed indefinitely.

On which the ayes and nays were demanded, and the motion was lost by the following vote :

AYES.

Messrs. Cabaniss,
Caldwell,
Crenshaw,
Flower,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,

Messrs. McGarry,
Moore,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Yeiser,
Speaker—18.

NAYS.

Messrs. Bell,
Blake,

Messrs. Leake,
Mandeville,

Messrs. Brush,
Canney,
Carpentier,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,

Messrs. McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Tilghman,
Walker,
Wells,
Wilson,
Wing—30.

On motion, at 6 o'clock, P. M., the House took a recess until 8 o'clock, P. M.

The House re-assembled at 8 o'clock, P. M.

A message was received from the Governor, informing the Assembly that he had this day approved An Act for the relief of C. E. Pickett.

Mr. Wing submitted the following report, which was read and adopted :

Mr. Speaker :

The Committee on Engrossed Bills have examined and found correctly engrossed—

An Act to secure to settlers a pre-emption right to the overflowed and swamp lands of this State.

AUSTIN WING.

Mr. Mandeville submitted the following report, which was read and adopted :

BENICIA, May 17, 1853.

Mr. Speaker :

The Joint Committee on Enrolled Bills, report that they have examined and find correctly enrolled—

An Act for the relief of John Brown ;

An Act to amend the fourteenth section of An Act concerning the office of County Treasurer, passed March 27, 1850 ;

An Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12th, 1850.

In the fifth line of the first section, the committee have supplied an omission by inserting in the margin the word " bridge."

An Act to authorize S. G. Whipple, J. G. Wendell, and others, to build a Wharf at Crescent city, in the county of Klamath.

J. W. MANDEVILLE,
Assembly Committee.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act authorizing the Treasurer of the State of California to issue Bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the county of San Diego, without recommendation.

The report was adopted.

The bill considered in committee of the whole, reported back with amendments.

The amendments adopted by the House, and the bill read a third time.

And on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bell,
Canney,
Carpentier,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Flower,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Kittredge,
Knight,

Messrs. Meredith,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,
Proctor,
Reading,
Rogers,
Smith,
Tilghman,
Wing,
Yeiser—27.

NAYS.

Messrs. Bostwick,
Conness,
Letcher,

Messrs. Redding,
Robinson,
Speaker—6.

Mr. Fairfax moved to reconsider the vote by which the House, on yesterday, refused to pass Assembly bill for An Act to improve the Tule Lands, and to encourage the cultivation of sugar, rice and cotton.

On which the ayes and nays were demanded, and the motion was carried by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Flower,
Heydenfeldt,
Hunt,
Huse,
Knight,

Messrs. McFarland,
McKamy,
McMeans,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Smith,
Tilghman,
Wells,
Wing,
Yeiser—26.

NAYS.

Messrs. Brush,
Cabaniss,
Caldwell,
Conness,
Hoff,
Irwin,
Johnson,
Kittredge,
Letcher,
Mandeville,
Martin,

Messrs. Meredith,
McGarry,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Taylor,
Thomas,
Speaker—21.

The bill was then recommitted to the select committee with special instructions.

On motion of Mr. Heydenfeldt, Senate bill for An Act to protect the Archives of State and to prevent their removal, was taken up, the rules suspended, it was then read a second and third time.

And on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote :

AYES.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Cardozo,
Covarrubias,
Ewing,
Herbert,
Hoff,
Hunt,
Huse,
Martin,

Messrs. Meredith,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Oliver,
Owen,
Redding,
Rogers,
Tilghman—23.

NAYS.

Messrs. Cabaniss,
Caldwell,
Conness,
Fairfax,
Johnson,
Kittredge,
Letcher,
Proctor,

Messrs. Reading,
Robinson,
Smith,
Taylor,
Thomas,
Walker,
Wells,
Wing—16.

Mr. Mandeville submitted the following report, which was read and adopted :

BENICIA, May 17, 1853.

Mr. Speaker :

The Joint Committee on Enrolled Bills report, that they have examined and find correctly enrolled, An Act to establish an Asylum for the Insane of the State of California.

J. W. MANDEVILLE,
Of Assembly Committee.

The following message was received from the Senate :

Mr. Speaker :

The Senate yesterday postponed indefinitely Assembly bill for An Act to amend an Act concerning Judges of the Plains and to define their duties. And passed, this day, An Act to drain the Swamp and Tule Lands of Yolo county.

And passed Assembly bill for an Act for the relief of C. H. Veeder.

And Senate bill for An Act additional to an Act to provide for the compensation of County Judges, and of Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850, approved May 16, 1853.

And refused to concur in the amendments of the Assembly to Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, and have appointed, as a committee of conference on the disagreeing vote of the two Houses, Messrs. Keene, Smith and Hager.

By order of the Senate,

A. C. BRADFORD,
Secretary.

May 17, 1853.

Senate bill for An Act to drain the Swamp or Tule Lands in Yolo county, was then taken up, read a first time, and laid over under the rules.

Senate bill for An Act additional to an Act to provide for the compensation of County Judges, and of Associate Justices of the Courts of Sessions, and to repeal a like Act, passed April 22, 1853, approved May 16, 1853, was then taken up, read a first and second time, the rules suspended, it was then read a third time and passed.

Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, with Assembly amendments non-concurred in by the Senate, was then taken up.

Mr. Conness moved that a committee of conference be appointed on the disagreeing votes of the two Houses on the bill.

Which was agreed to.

The chair announced as such committee, Messrs. Conness, Johnson and Fairfax.

Mr. Canney submitted the following resolution :

Resolved, That the thanks of this Assembly be tendered to the Hon. Isaac B. Wall, for the able, courteous and impartial manner in which he has discharged the duties of Speaker during this session.

On the question of the adoption of the resolution, the ayes and nays were demanded, and it was adopted by the following vote :

AYES.

Messrs. Bell,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Flower,
Heydenfeldt,
Hoff,
Huse,
Johnson,
Kittredge,
Letcher,
Martin,
McFarland,
McGarry,

Messrs. McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Thomas,
Tilghman,
Walker,
Wells,
Yeiser—40.

NAYS.

Mr. Brush,

Mr. Cardozo—2.

Assembly bill for An Act to authorize J. T. Dean to hold, use, and oc-

copy certain lands in Benicia, was then taken up, amended, read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Heydenfeldt,
Huse,
Irwin,
Kittredge,
Letcher,
Martin,
Meredith,

Messrs. McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Proctor,
Redding,
Saunders,
Sime,
Smith,
Wing—27.

NAYS.

Messrs. Brush,
Carpentier,
Hoff,
Hunt,
Mandeville,
Moore,
Oliver,

Messrs. Reading,
Robinson,
Rogers,
Taylor,
Thomas,
Walker,
Wells—14.

Mr. Mandeville submitted the following report, which was read and adopted:

BENICIA, May 17, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report that they have presented to the Governor for his approval, An Act to amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurers, passed March 27th, 1850.

An Act supplementary to an Act to provide for the lien of Mechanics, and others, passed April 12th, 1850.

An Act for the relief of John Brown.

An Act to authorize S. G. Whipple, J. G. Wendell, and others to build a wharf at Crescent City in the county of Klamath.

An Act to establish an Asylum for the Insane of the State of California.

J. W. MANDEVILLE,
Of Assembly Committee.

Mr. Wilson submitted the following report, which was read and adopted:

BENICIA, May 16, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report, that they have examined and find correctly enrolled, An Act to fix the times for holding the terms of the District Courts throughout this State.

J. M. WILSON,
Chairman Assembly Committee.

On motion of Mr. Myres, Senate bill for An Act to provide for the sale the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, was taken up, when

Mr. Flower moved that the bill be read a third time now.

On which the ayes and nays were demanded, and the bill was ordered to be read a third time by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Canney,
Conness,
Crenshaw,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Johnson,
Knight,
Letcher,
Martin,
McCandless,
McFarland,

Messrs. McGarry,
Moore,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—30.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carpentier,
Cardozo,
Ewing,
Herbert,
Hoff,
Hunt,

Messrs. Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Rogers,

Messrs. Huse,
Irwin,
Kittredge,

Messrs. Wilson,
Wing—23.

The bill was then read a third time, and on the question, " Shall the bill now be passed ?" the ayes and nays were demanded, and the bill passed by the following vote :

AYES.

Messrs. Cabaniss,
Caldwell,
Canney,
Conness,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Irwin,
Johnson,
Knight,
Letcher,
Mandeville,
Martin,
McCandless,
McFarland,

Messrs. McGarry,
Moore,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Thomas,
Walker,
Yeiser—33.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carpentier,
Cardozo,
Ewing,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Huse,

Messrs. Kittredge,
Meredith,
McKamy,
McMahon,
McMeans,
Rogers,
Tilghman,
Wilson,
Wing,
Speaker—21.

Mr. Wing submitted the following report, which was adopted :

Mr. Speaker :

The Committee on Engrossed Bills report that they have examined and found correctly engrossed, An Act to authorize J. T. Dean to hold, use and occupy certain lands in the city of Benicia.

AUSTIN WING.

Mr. Conness submitted the following report, which was read and adopted :

Mr. Speaker :

The joint committee of conference, appointed to take into consideration the disagreeing vote of the Senate on the bill entitled An Act for the establishment of a State Marine Hospital at San Francisco, having had the same under consideration, ask leave to report that they have agreed to the amendments made in the House, and recommend that they be adopted.

Respectfully,

B. F. KEENE,
S. B. SMITH,
JNO. G. HAGER,

Senate.

L. CONNESS,
C. S. FAIRFAX,
J. NEELY JOHNSON,
House.

Mr. Mandeville submitted the following report, which was read and adopted :

BENICIA, May 17, 1853.

Mr. Speaker :

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled—

An Act to abolish the present State Hospitals, and to provide for liquidating the indebtedness of the same.

J. W. MANDEVILLE,
Assembly Committee.

The following message was received from the Senate :

Mr. Speaker :

The Senate have this day passed Assembly bill for An Act requiring County Treasurers, Public Administrators, and others, to settle their accounts, with amendments therein noted.

And this day concurred in the amendments of the Assembly to Senate bill for An Act to provide payment to the Fitzgerald Volunteers ;

And passed An Act prescribing the manner of applying for Pardons ; and

An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, as a substitute to Assembly bill, No. 85 ;

And Assembly Joint Resolution relative to Public Lands and Internal Improvements ;

And concurred in the report of the committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco.

By order of the Senate.

A. C. BRADFORD,
Secretary.

May 17, 1853.

Senate bill, An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, was read three times and laid on the table.

Senate bill for An Act prescribing the manner of applying for Pardons, was taken up, and read a first and second time : the rules were then suspended, the bill read a third time and passed.

Mr. Conness offered the following Joint Resolution for the appointment of a joint committee of one from the Senate, and one from the Assembly, for the purpose of examining the books and accounts of the Treasurer and Comptroller of State.

Which was read a first and second time : the rules suspended, read a third time and passed.

Mr. Mandeville, from the Joint Committee on Enrolled Bills, presented the following report, which was adopted :

BENICIA, May 17, 1853.

Mr. Speaker :

The Joint Committee on Enrolled Bills report that they have presented to the Governor for his approval—

An Act to abolish the present State Hospitals, and to provide for liquidating the indebtedness of the same.

J. M. MANDEVILLE,
Assembly Committee.

Mr. Blake reported back Assembly bill for An Act granting permission to the Clay street Wharf Company to change the direction of the same, with amendments, which were adopted, and the title amended so as to read, An Act authorizing the proprietors of Clay street Wharf Company to change the direction of said wharf.

The bill was then read a third time and passed.

Mr. McMeans, from the select committee, reported back Senate bill for An Act to establish a Female Branch of a State University, to be located at the city of Benicia, with amendments.

The amendments adopted, and the bill indefinitely postponed by the following vote :

AYES.

Messrs. Conness,
Covarrubias,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,
Martin,

Messrs. Meredith,
Moore,
Oliver,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Smith,
Wells,
Yeiser,
Speaker—25.

NAYS.

Messrs. Bell,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Crenshaw,
Ewing,
Fairfax,
Huse,
Irwin,

CALIFORNIA
STATE
LIBRARY
LAW DEPT.

Messrs. McCandless,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Thomas,
Tilghman—20.

A message was received from the Governor, informing the Assembly that he had this day approved An Act entitled an Act to fix the salary of the County Judge of Placer county.

Mr. Mandeville, from the Joint Committee on Enrolled Bills, presented the following report, which was adopted :

BENICIA, May 17, 1853.

Mr. Speaker :

The Joint Committee on Enrolled Bills, have examined An Act to apportion the Senatorial and Assembly Districts of this State, and have made the following corrections to correspond with the engrossed bill :

In the twenty-fifth line of section one, the words, "the counties of Colusi and Shasta shall be the thirteenth Senatorial District, and shall elect one Senator," have been inserted in the margin.

In the eleventh line of section two, they have inserted the word "of," between the words, "out" and "office."

J. N. MANDEVILLE,
Assembly Committee.

A message was received, informing the Assembly that the Senate this day passed Assembly Concurrent Resolution in relation to the claim of Felix Argenti against the General Government.

Mr. Heydenfeldt introduced a resolution increasing the pay of certain officers of this House.

Which was adopted.

On motion, at 2 o'clock, A. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, May 18, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Blake, Caldwell, Hoff, Leake, McCandless, McMahon, Reading of Trinity, Walker and Wilson.

Mr. Heydenfeldt introduced a resolution increasing the pay of the Copying Clerk of this House.

Which was read and adopted.

Mr. Yeiser, from the Judiciary Committee, reported back Senate bill for An Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, with amendments, recommending their adoption and the passage of the bill.

The report was adopted, the bill amended, read a third time and passed.

Mr. Wing reported as correctly engrossed, An Act authorizing the proprietors of Clay street Wharf to change the direction of said wharf.

And the report was adopted.

Mr. McMeans, from the Committee on State Hospitals, reported back Assembly bill for An Act for the relief of the city of Sacramento, with a recommendation that it be not passed.

The report was adopted, and the bill laid on the table.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to repeal the fifth section of an Act to Fund the Indebtedness of the State, &c., passed May 1, 1852, with a recommendation that it be not passed.

The report was adopted, and the bill postponed indefinitely.

Mr. McMeans, from the same committee, reported back Senate bill for An Act to enforce the collection of Taxes in certain cases, with a recommendation that it be not passed.

The report was adopted, and the bill postponed indefinitely.

Mr. McMeans, from the same committee, reported back Senate bill for An Act to amend an Act entitled an Act to provide for levying, assessing and collecting the Public Revenue, passed April 23, 1852, with a recommendation that it be not passed.

The report was adopted, and the bill indefinitely postponed.

Mr. Thomas submitted a Concurrent Resolution to go into joint convention to elect Physicians to the State Hospitals.

Which was read and adopted.

Mr. Wells, from the Committee on Claims, reported back Senate bill for An Act for the relief of John W. Jackson, with a recommendation that the same be passed.

The report was adopted, the bill considered in committee of the whole, reported back, with a recommendation that it be passed.

The bill was then read a third time and passed.

Mr. Mandeville, from the Committee on Enrolled Bills, reported as correctly enrolled, An Act for the relief of C. H. Veeder ;

An Act to Fund the Floating Debt of the county of Sacramento, and to provide for the payment of the same ;

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to J. C. Hastings ; also,

Joint Resolution relative to Public Lands and Internal Improvements ; also,

An Act requiring County Treasurers and Public Administrators to settle their accounts.

Mr. Mandeville submitted the following report :

BENICIA, May 18, 1853.

Mr. Speaker :

The Joint Committee on Enrolled Bills report that they have presented to the Governor, for his approval, An Act to apportion the Senatorial and Assembly Districts of this State ;

An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 4th ;

An Act for the permanent location of the Seat of Government of the State of California ;

An Act in relation to resistance of payment of Revenue due the State ;

An Act to fix the times of holding the Terms of the District Courts throughout this State ;

An Act to Fund the Floating Debt of the county of Sacramento, and provide for the payment of the same ;

An Act requiring County Treasurers and Public Administrators to settle their accounts ;

An Act to authorize the Treasurer of State to issue a duplicate Land Warrant to S. C. Hastings ;

An Act for the relief of C. H. Veeder.

And have deposited with the Secretary of State a Joint Resolution relative to Public Lands and Internal Improvements.

J. N. MANDEVILLE,
Assembly Committee.

Mr. Flower submitted a resolution retaining the chief and assistant Clerks to arrange Assembly papers after the adjournment.
Which was read and adopted.

Mr. Heydenfeldt submitted the following report :

Mr. Speaker :

The committee of conference, to whom was referred the disagreeing vote of the two Houses upon Assembly's amendment to Senate bill for An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools, approved May 3, 1852, recommend that the amendment of the Assembly be concurred in ; and that the third Section of the sixth Article of an Act to establish a system of Common Schools, passed May 3, 1852, be repealed.

Respectfully submitted.

E. HEYDENFELDT,
Chairman Assembly Committee.

PHILIP A. ROACH,
Senate.

On the question of the adoption of the report, the ayes and nays were demanded, and it was lost by the following vote :

AYES.

Messrs. Bell,
Cardozo,
Covarrubias,
Crenshaw,
Flower,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Irwin,
McCandlees,

Messrs. McFarland,
McGarry,
McMeans,
Proctor,
Saunders,
Smith,
Thomas,
Tilghman,
Walker,
Yeiser—21.

NAYS.

Messrs. Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Ewing,
Hoff,
Kittredge,
Knight,
Letcher,
Mandeville,
Martin,

Messrs. Meredith,
McKamy,
Myres,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Wing—23.

Mr. Canney moved to reconsider the vote just taken.

Which was agreed to.

The question then recurring on the adoption, the ayes and nays were demanded, and the House adopted the report by the following vote :

AYES.

Messrs. Bell,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Kittredge,
McCandless,
McGarry,

Messrs. McMahon,
McMeans,
Moore,
Oliver,
Proctor,
Reading,
Saunders,
Smith,
Thomas,
Tilghman,
Walker,
Wells,
Speaker—27.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Conness,
Ewing,
Hally,
Hoff,
Knight,
Letcher,
Mandeville,

Messrs. Martin,
McKamy,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Wilson,
Wing—21.

The following message was received from the Senate :

Mr. Speaker :

The Senate, yesterday, concurred in the Assembly amendment to Senate bill for An Act concerning sureties on official bonds ;

And passed, this day, a Concurrent Resolution to extend the time of adjournment.

By order of the Senate.

A. C. BRADFORD,
Secretary.

Senate Concurrent Resolution to extend the time of adjournment, was then taken up, and concurred in.

Mr. Covarrubias submitted a resolution increasing the pay of Master Charles Hubbs.

Which was read and adopted.

Mr. Canney submitted the following resolution, which was read and adopted :

Resolved, That the thanks of this House be and are hereby tendered to the Clerk and his assistants for the faithful manner in which they have discharged their duties.

Mr. Johnson submitted the following report :

Mr. Speaker :

The Judiciary Committee beg leave to report back—

An Act to amend an Act providing for securing State Prison Convicts ;

An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners ; and

An Act supplemental to an Act to regulate Elections, passed March 23, 1851.

With a recommendation that they be passed.

Your committee also report back—

An Act recommending to the Electors to vote for or against calling a Convention ;

An Act in relation to joint tenancies and tenancies in common ;

An Act to authorize the State Treasurer to issue a duplicate School Land Warrant ; and

An Act authorizing the Attorney-General of the State of California to employ counsel in certain cases, and fixing a compensation therefor.

And recommend that they be not passed.

They also report back sundry petitions, and recommend that they be laid on the table.

J. NEELY JOHNSON,
For Committee.

Senate bill for An Act supplemental to an Act to regulate Elections,

passed March 23, 1850, was then taken up, read a third time and passed.

Mr. Johnson submitted a resolution increasing the pay of the Clerks of the Committee on Ways and Means, and the Judiciary.

Which was read and adopted.

Senate bill for An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners.

Which was read a third time.

And on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Brush,
Carpentier,
Conness,
Covarrubias,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Martin,
McCandless,

Messrs. McGarry,
McKamy,
McMeans,
Moore,
Owen,
Redding,
Robinson,
Rogers,
Smith,
Thomas,
Wells,
Wilson—24.

NAYS.

Messrs. Bostwick,
Canney,
Crenshaw,
Flower,
Huse,

Messrs. Myres,
Oliver,
Proctor,
Saunders,
Walker—10.

Mr. Conness submitted a resolution authorizing the Speaker of this House to appoint one member of this House for the purpose of examining the books and accounts of the Comptroller and Treasurer of State.

Which was read, and adopted.

The Speaker announced Mr. Herbert as such appointee.

Assembly bill for An Act to amend an Act providing for securing State Prison Convicts, was then taken up, and laid on the table.

Assembly bill for An Act authorizing the Attorney-General of the State of California to employ counsel in certain cases, and fixing a compensation therefor, was then taken up, and postponed indefinitely.

Assembly bill for An Act to authorize the State Treasurer to issue a duplicate School Land Warrant, was then taken up, and postponed indefinitely.

Senate bill for An Act in relation to joint tenancies and tenancies in common, was then taken up, and postponed indefinitely.

Assembly bill for An Act recommending to the Electors to vote for or

against calling a Convention, was then taken up, and laid on the table.

The following message was received from the Senate :

Mr. Speaker :

The Senate this day appointed Messrs. Lott and Sprague as a committee of conference on the disagreeing vote of the two Houses on the Practice Act.

And indefinitely postponed Assembly bill for An Act to regulate the Election of Municipal Officers in the City of San Francisco.

By order of the Senate :

A. C. BRADFORD,
Secretary.

18th May.

Mr. Johnson submitted the following report, which was read and adopted :

Mr. Speaker :

The committee of conference on the disagreeing vote of the two Houses in relation to the amendments to the Practice Act, beg leave to report as follows :

That they have agreed to the amendments, with this addition—that the sections be numbered consecutively, and that an enacting clause be inserted.

JOHNSON,
MYRES,
House Committee.
SPRAGUE,
LOTT,
Senate Committee.

The following message was received from the Senate :

Mr. Speaker:

The Senate this day adopted the report of the committee of conference on the disagreeing vote of the two Houses on the Practice Act.

And passed, yesterday, Assembly bill for An Act to legalize certain Records of Deeds and other instruments, in the County of Sacramento.

And passed, on the 17th inst., An Act concerning Townships.

And this day, Assembly bill for An Act to abolish the Board of Supervisors in the County of El Dorado.

By order of the Senate :

A. C. BRADFORD,
Secretary.

18th May.

On motion, the House took a recess until 7½ o'clock, P. M.

The House re-assembled at 7½ o'clock.

Mr. Johnson submitted the following report, which was read and adopted:

ASSEMBLY HALL, May 18, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report that, they have examined a bill for An Act concerning the Courts of Justice of this State and Judicial Officers, and have made the following interlineations:

On page one, at the end of section seven, have added the following, which is placed on the margin—"The Judge of said Court, at chambers, during vacation, may also hear and determine on appeals, writs of mandamus, and quo warranto."

On page eight, after the word "execution," the following—"a Bond to the State in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and file the same with the County Clerk."

JOHN WALTON,
Senate Committee.

J. NEELY JOHNSON,
B. B. REDDING,
House Committee.

Mr. Mandeville submitted the following report, which was read and adopted:

HOUSE OF ASSEMBLY, May 18, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills respectfully report that, they have examined the bill for An Act to provide Revenue for the support of the Government of this State, have made the following interlineations, and certified to the same on the margin of the sheet.

Interlineation first—Article I, seventeenth line, inserted between the words "all" and "machinery," the word "machinery."

Interlineation second—Article VIII, thirty-seventh line, inserted between the words "of" and "received," the words "the amount," in place of the words "three dollars for each receipt."

Interlineation third—Article III, twenty-fourth line from top of the page, the words "or from the Collector of Taxes," are stricken out.

Also, on same page, thirty-fourth line, the words "or the Collector of Taxes," are stricken out.

Also, on same page, forty-first line, the word "Assessor" has been stricken out, and the word "Auditor" inserted.

Article X, page 18 of enrolled bill, twenty fourth line, inserted between the words "purchaser" and "or," the words "or purchaser."

Article X, page 17 of enrolled bill, eighth line, between the words "thirteenth" and "total," inserted the words "delinquent tax of previous fourteenth."

Article X, page 20 of enrolled bill, line ten, between the words "which" and "delinquent," inserted the word "such."

PAUL K. HUBBS,
Senate Committee.

J. N. MANDEVILLE,
House Committee.

A message was received informing the Assembly that the Senate passed, this day, Assembly bill for An Act amendatory of an Act to provide for the Inspection of Flour, passed May 3d, 1852;

An Act to amend an Act relating to Corporations;

An Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs, passed April 29, 1851;

An Act for the relief of John C. Cremony;

Assembly Joint Resolution relating to the Civil Fund;

Also, Senate bill for An Act supplementary to an Act providing for the erection of a State Prison, and declaring null and void the existing State Prison Contract, approved May 11th, 1853.

Mr. Mandeville, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to legalize certain Records of Deeds and other instruments, in the County of Sacramento;

Also, An Act to abolish the Board of Supervisors in the County of El Dorado;

An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852;

And An Act to amend an Act relating to Corporations;

An Act additional to an Act to provide for the compensation of County Judges and Associate Justices of the Courts of Sessions and to repeal a like Act, passed April 22, 1850, approved May 16, 1853;

An Act supplemental to an Act to regulate Elections, passed March 23, 1850;

An Act for the relief of John W. Jackson;

An Act prescribing the manner of applying for Pardons;

An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners;

And An Act to protect the Archives of the State, and prevent their removal from Benicia;

Joint Resolution relative to the Civil Fund;

An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, as defined in and by the act entitled an Act to provide for the disposition of certain Property of the State of California, passed March 26, 1851;

An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State;

An Act concerning Sureties on Official Bonds;

An Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs, passed April 29, 1851 ;

Joint Resolution relative to the Civil Fund ;

An Act for the relief of John C. Cremony ;

And Senate bill, No. 181, for An Act amendatory of, and supplemental to, an Act entitled an Act to establish a system of Common Schools, approved May 3d, 1852.

And the report was adopted.

Mr. Mandeville, from the same committee, reported that they had this day presented to the Governor for his approval, An Act concerning the Courts of Justice of this State and Judicial Officers ;

An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in the State ;

Senate bill, No. 181, for An Act amendatory of, and supplementary to, an Act entitled an Act to establish a system of Common Schools, approved May 3d, 1852 ;

An Act to amend an Act relating to Corporations ;

An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852 ;

An Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs, passed April 29th, 1851 ;

An Act for the relief of John C. Cremony ;

Joint Resolution relative to the Civil Fund ;

An Act prescribing the manner of applying for Pardons ;

An Act to protect the Archives of State, and prevent their removal from Benicia ;

An Act supplemental to an Act to regulate Elections, passed March 23, 1850.

An Act for the relief of John W. Jackson ;

An Act additional to an Act to provide for the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act, passed April 22d, 1850 ;

Also, An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners ;

An Act to provide Revenue for the support of the Government of the State ;

An Act to abolish the Board of Supervisors in the County of El Dorado ;

An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain Property of the State of California, passed March 26, 1851 ;

An Act to legalize certain Records of Deeds, and other instruments, in the County of Sacramento ;

An Act concerning Sureties on Official Bonds ;

An Act amendatory of, and supplementary to, the Act entitled an Act to regulate proceedings in Civil cases in the Courts of Justice of this State ;

And also, that they have deposited with the Secretary of State, Joint Resolution concerning Felix Argenti.

And the report was adopted.

A message was received from the Governor, informing the Assembly that he had this day approved An Act to authorize the State Treasurer to issue a duplicate Land Warrant to S. C. Hastings;

An Act requiring County Treasurers and Public Administrators to settle their accounts;

An Act for the relief of C. H. Veeder;

An Act to fund the Floating Debt of the County of Sacramento, and to provide for the payment of the same;

An Act to apportion the Senatorial and Assembly Districts of the State;

An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852;

An Act to amend an Act relating to Corporations;

An Act explanatory of the thirty ninth section of an Act entitled an Act concerning Sheriffs;

And, An Act for the relief of John C. Cremony.

On motion, at 12 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, May 19, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The Journals of Saturday, Monday, Tuesday, and Wednesday were read and approved.

On motion, the House took a recess until one o'clock, P. M.

The House re-assembled at one o'clock, P. M.

Mr. Johnson introduced a Concurrent Resolution, appointing a committee of three from each House to wait upon the Governor, and inform him

that the two Houses are now in waiting to receive any communications he may desire to submit previous to their adjournment *sine die*.

Which was read and adopted.

The Chair announced as such committee, Messrs. Johnson, Hoff, and Crenshaw.

A message was received from the Senate, informing the Assembly that they had concurred in Assembly Concurrent Resolution to appoint a committee to wait upon the Governor, and inform him the two Houses are in waiting to receive any further communications he may desire to submit prior to adjournment *sine die*; and that they had appointed on their part Messrs. Hubbs, Ralston, and Wombough.

Mr. Heydenfeldt submitted the following resolution, which was read and adopted:

Resolved, That the use of this Hall be granted to the Democratic and Whig Conventions during their respective sittings the present year.

Mr. Carpentier submitted the following resolution, which was read and adopted:

Resolved, That the thanks of this Assembly be presented to the Hon. W. R. Andrews, of Sing Sing, for his present to this State of books and documents.

Mr. Heydenfeldt submitted the following resolution, which was read and adopted:

Resolved, That a committee of two be appointed to inform the Senate that the Assembly, on its part, has concluded the business of the session, and is now ready to adjourn *sine die*.

Mr. Johnson submitted the following report, which was read:

Mr. Speaker:

The joint committee appointed on the part of the Senate and Assembly to wait on His Excellency the Governor, and inform him of their readiness to receive such further communication as he may desire to transmit prior to their final adjournment, ask leave to report:

That they have performed this duty, and received in reply from His Excellency, that he had no further communications to make, but would, through your committee, convey assurances of the warm personal regard entertained for the uniform kindness and consideration with which his communications have been invariably received by the two Houses, and the respect manifested towards himself, with the sincere hope that you will return to your respective homes and friends in the enjoyment of health and prosperity; that your future career, whether in the private walks of life or the more stir-

ring scenes of political strife, may be as prosperous and fortunate as the past has been successful and agreeable.

Respectfully submitted,

J. NEELY JOHNSON,
JOHN J. HOFF,
JOHN T. CRENSHAW,
Committee on the part of the House.

PAUL K. HUBBS,
WM. WOMBOUGH,
J. H. RALSTON,
Committee on the part of the Senate.

May 19th, 1853.

The Journal of this day was then read and approved.

Mr. Crenshaw then moved that the Speaker now declare this House adjourned *sine die*.

The Speaker then rose, stated the question, and addressed the House as follows :

Gentlemen of the Assembly :

A few months ago, in compliance with an established custom, I addressed you, on assuming the office of Speaker of this House. On that occasion, I appealed to you, as well from personal considerations as from others of a truer and nobler character, to watch with vigilance, and oppose with energy and determination, every measure of speculative legislation ; and knowing no other term sufficiently opprobrious, I characterized those who would prostitute the sacred office of a legislator to the base purposes of private gain, as worse than criminals ; for the ill-doing of a common malefactor causes but local injury, whilst the crime of corrupt legislation brings in its train untold and innumerable evils upon an entire people !

It was then my hope and my ambition—and I trust it was yours—to make every act of this session of our House, a source of future pride to ourselves and of usefulness to the State.

It is now my privilege, before adjourning this body, to ask you whether a hope so reasonable and an ambition so just, have seen their every wish accomplished. How many of us have truly appreciated the sacred relationship we have borne to those whom we represent ? How many of us have remembered that the office of enacting laws to govern our own countrymen is the most sacred we can hold on earth ? And how many of us have remembered, that before we were suffered to enter upon our duties, we solemnly pledged our honor and recorded our oaths, to the effect, that in all our official conduct we would act only for those whom we represent, and not for ourselves ? Have we all fulfilled these obligations, or have some of us been willing to sink our honor, our oaths, and our most sacred office, to increase our own transitory fortunes, or trivial personal consequence ? What, indeed, is the fortune, the fame, or even the life of any individual, when compared with the fortunes, the welfare, and the honor of a whole people ?

If there be any "galled jade" who winces at interrogatories like these,

let him go weep ; for though God may forgive his sins, those whom he represents ought never to forget his treachery. But, gentlemen, we are not responsible to each other for our official conduct. How well each has remembered and performed his duty, is not for us here to determine ; that task belongs to the people, and if we would learn our deserts, we must go and stand again before our temporal masters, who sent us here to represent their will. If they approve our actions, upon them will rest the honor or the odium of our public conduct.

But, at a moment like this, when we are about to separate, most of us, perhaps, forever, we should possess no feelings but those of friendship, no wish but that of having served the State. It is true, it has grown customary with some, to treat patriotism as a jest, and one's country, and one's party, as ideal combinations, to be used only for private advantage or political aggrandizement. But, thank God ! such sentiments are not yet found to prevail beyond the pitiful boundary of selfish minds. In the great heart of American society, everywhere, there is too much integrity and reflection, to permit public dishonesty to escape the just vengeance of the people ; and until that source itself becomes corrupt, or ceases to be vigilant, neither parties nor individuals can long hope for success, if they uphold any act of legislation which has for its object the benefit of a few at the expense of the honor, dignity, and character of the State.

False indeed, must be the professions of him who would hazard the ruin of his party, the character of his friends, and the honor of his State, to accomplish a scheme for private gain. If I know anything of the principles of the party which has been in the majority in this House, and if there be any truth in the pure and brilliant character of him who now stands at the head of that party, and whose sentiments, recently addressed to the nation, have aroused and delighted every American by their dignity, their nationality, and their avowed design to elevate the American character, and command respect for the American name in every portion of the earth ; then, indeed, *democracy* is something respectable ; something honorable—something noble and elevated—something which demands personal sacrifices—not selfishness—something truthful, universal and beneficent, something which cannot live without patriotism, nor exist without love for one's fellow man ; and he who would tear it down to truckling selfishness, or steal its name to accomplish some mere personal wish, must be either false to its teachings or an ignorant zealot, who merely worships the statue of Democracy, whilst he forgets the deity it represents.

But, gentlemen, long as we may linger at the word, farewell must come at last. Whatever may have occurred in the heat of debate, I feel that at such a moment as this, any resentment in me would be thoughtless and unmanly, and I trust the same feeling actuates every member of this body. I do not, and cannot forget the favors this House has continually conferred upon me ; and for your forbearance and courtesies I thank you, though they are favors belonging more to my office than to myself. Indeed, gentlemen, the greatest office, the proudest hope, the noblest ambition, the most brilliant fame, the most gorgeous display of public favor—all are but specks of sand dropped by Time into the ocean of ages. We see them daily sparkling and sinking around us, as we pass down the

current of our times, and fulfil the incomprehensible purposes of our existence.

And now, farewell. Our protracted session has at last drawn to a close. Another phase comes over our lives—and I pronounce this House adjourned, *sine die*.

A true copy of the original Journals, as daily approved by the House of Assembly.

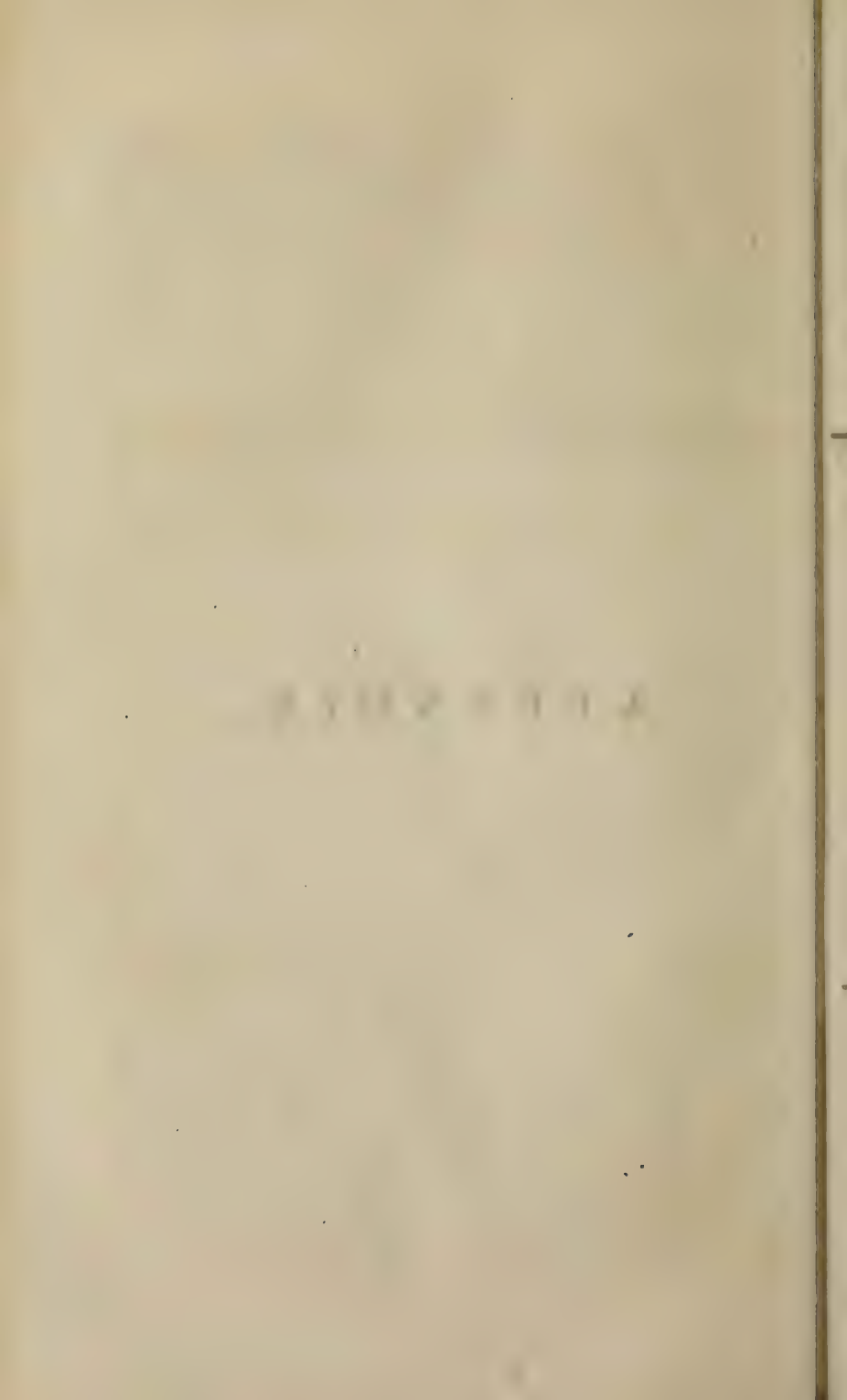
ISAAC B. WALL,
Speaker.

Attest:

JAMES G. STEBBINS,
Ch. Clerk Ho. of Assembly.

May 19th, 1853.

A P P E N D I X .



[Document No. 1.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

RULES AND ORDERS

OF THE

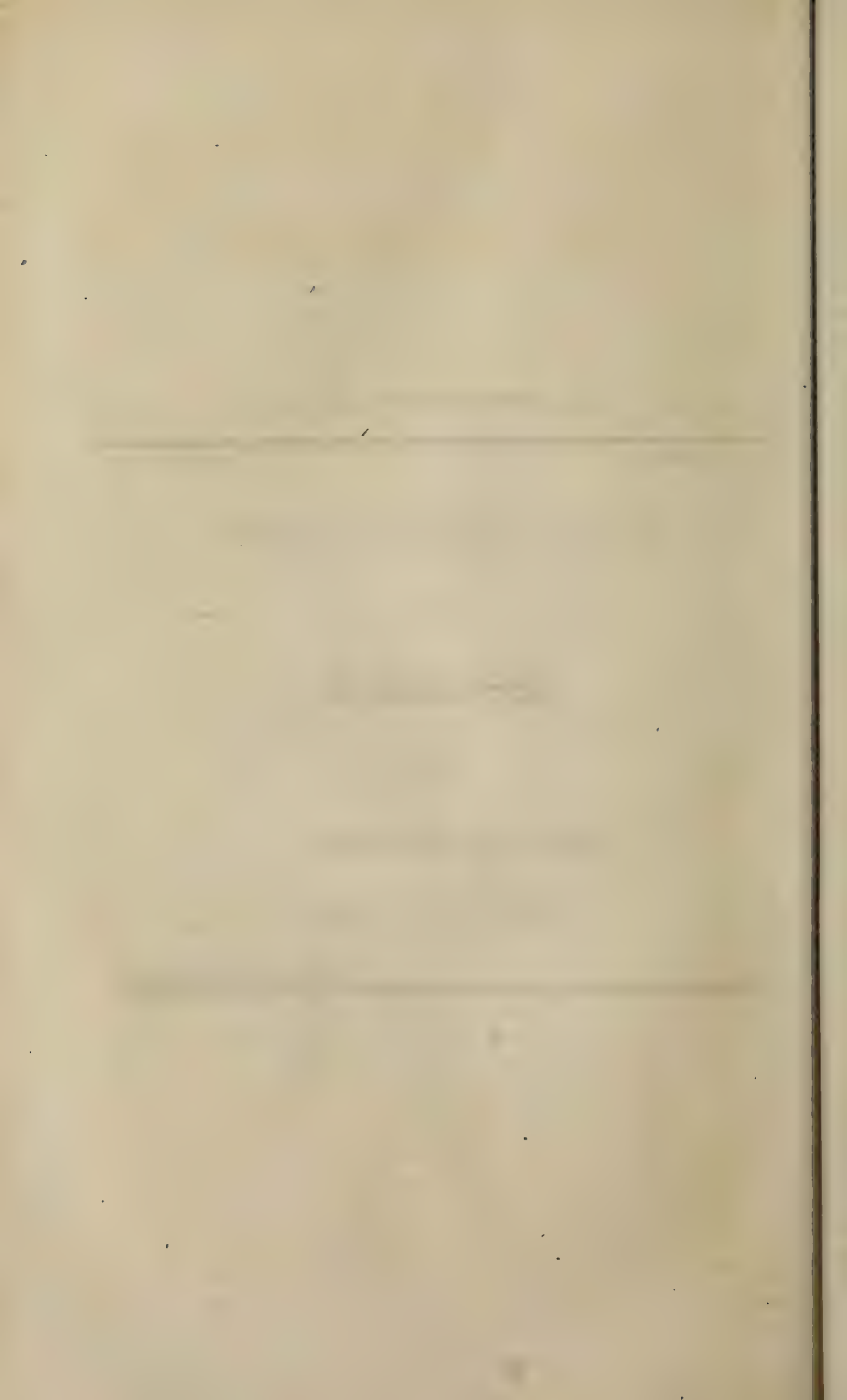
ASSEMBLY

OF THE

STATE OF CALIFORNIA.

ADOPTED JANUARY, 1853.

[GEORGE KERR, STATE PRINTER.



STANDING RULES AND ORDERS

FOR CONDUCTING THE BUSINESS IN THE

HOUSE OF ASSEMBLY,

OF THE

STATE OF CALIFORNIA

ORDER OF BUSINESS.

1st.	A Committee on	Elections.
2d.	"	" Corporations.
3d.	"	" Public Printing.
4th.	"	" Claims.
5th.	"	" Ways and Means.
6th.	"	" The Judiciary.
7th.	"	" Military Affairs.
8th.	"	" Indian Affairs.
9th.	"	" Counties and County Boundaries.
10th.	"	" Commerce.
11th.	"	" Education.
12th.	"	" Agriculture.
13th.	"	" Roads and Highways.
14th.	"	" Public Buildings and Grounds.
15th.	"	" Public Expenditures.
16th.	"	" Accounts.
17th.	"	" Mission Lands and Claims.
18th.	"	" Mines and Mining Interests.
19th.	"	" Public Lands.
20th.	"	" Federal Relations.
21st.	"	" Engrossment.
22d.	"	" Enrollment.
23d.	"	" State Prison.
24th.	"	" Mileage.

TOUCHING THE DUTIES OF THE SPEAKER.

1st. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the House to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2d. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.

3d. He shall rise to put a question, but may state it sitting.

4th. The Speaker shall examine and correct the journal before it is read; he shall have a general direction of the hall; he shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

5th. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

6th. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority shall be obtained; and in all ballotings, blanks shall be rejected and not taken into the count in the enumeration of votes, or reported by the tellers.

7th. In all cases of election by the House of its officers, the vote shall be taken *viva voce*.

8th. All acts, addresses, and joint resolutions, shall be signed by the Speaker, and all writs, warrants and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

9th. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

10th. No person shall be allowed the privilege of the hall, under the character of stenographer, without a written permission from the Speaker, specifying the part of the hall assigned to him; and no reporter or stenographer shall be admitted under the rules of the House, unless such reporter or stenographer shall state, in writing, for what paper or papers he is employed to report.

11th. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities. He shall be deemed to continue in office until another be appointed.

12th. Petitions having been presented and disposed of, reports for committees shall be called for and disposed of; in doing which the Speaker shall call upon each standing committee in the order they are named, and when all the standing committees have been called on, then it shall be the duty of the Speaker to call for reports from select committees. If the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off. Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions; *Provided*, that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject.

13th. After an hour shall have been devoted to reports of committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

First. Messages, and other Executive communications.

Second. Messages from the Senate, and amendments proposed by the Senate to bills of the House.

Third. Bills and resolutions from the Senate on their first and second readings, that they be referred to committees and put under way. But if on being read a second time no motion be made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.

Fourth. Engrossed bills, and bills from the Senate on their third reading.

Fifth. Bills of the House and from the Senate, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading. The messages, communications and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.

OF DECORUM AND DEBATE.

14th. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

15th. If any member, in speaking or otherwise, transgress the rules

of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain, and the House shall if appealed to decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House, and if the case require it, he shall be liable to the censure of the House.

16th. If any member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

17th. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

18th. No member shall speak more than twice on the same question without leave of the House, unless he be the mover, proposer or introducer, of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

19th. If a question depending be lost by adjournment of the House and revived on the succeeding day, no member who shall have spoken on the preceding day, shall be permitted again to speak without leave.

20th. No member or other person shall visit or remain by the Clerk's table while the ayes and nays are calling, or ballots are counting.

21st. No member shall vote on any question in the event of which he is immediately or particularly interested, or in any case when he was not within the bar of the House when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question, "Were you within the bar when your name was called?"

22d. Upon a division and count of the House on any question, no member without the bar shall be counted.

23d. Every member who shall be in the House when the question is put shall give his vote, unless the House for special reasons shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and any member requesting to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

24th. When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk before debated.

25th. Every motion shall be reduced to writing, if the Speaker or any member desire it.

26th. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

27th. When a question is under debate no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

28th. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: the committee of the whole house, a standing committee, a select committee.

29th. A motion to adjourn and a motion to fix the day to which the House shall adjourn, shall be always in order. These motions, and the motion to lie on the table, shall be decided without debate.

30th. The hour at which every motion to adjourn is made, shall be entered on the journal.

31st. The previous question shall be in this form: "Shall the main question be now put?" On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such a motion, no call shall be in order prior to a decision of the main question.

32d. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

33d. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

34th. Any member may call the division of the question, which shall be divided, if it comprehend propositions in substance so distinct that one being taken away a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and ins. etc.

35th. Motions and reports may be committed at the pleasure of the House.

36th. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith, any other bill or resolution pending before the House.

37th. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or the succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn.

38th. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the precedence in the orders of the day; and no motion on any other business shall be received without special leave of the House, until the former is disposed of.

39th. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member, in his place: a brief statement of the contents thereof shall be made verbally, by the introducer. They shall not be debated on the day of their being presented, nor on any day assigned by the House for the reception of petitions, after the first thirty days of the session, unless when the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.

40th. A proposition requesting information from the Governor of the State, or directing it to be furnished by the head of either of the executive departments, or to print an extra number of any document or other matter, excepting messages of the Governor to both Houses, at the commencement of each session of the Legislature, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and when adopted, the Clerk shall cause the same to be delivered.

41st. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

42d. Any member may excuse himself from serving on any committee, at the time of his appointment, if he is then a member of three other committees.

43d. No member shall absent himself from the service of the House unless he have leave, or be sick, or unable to attend.

44th. Upon the call of the House, the names of the members shall be

called over by the Clerk, and the absentees noted ; after which the names of the absentees shall again be called over ; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody as they appear, or may be sent for and be taken into custody by the Sergeant-at Arms wherever to be found, or by special messengers to be appointed for that purpose.

45th. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees ; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.

46th. A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings ; to execute the commands of the House from time to time ; together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

47th. The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of one dollar ; for each day's custody, and releasement, one dollar ; and for travelling expenses for himself or a special messenger, going and returning, thirty cents per mile.

48th. The Sergeant-at-Arms shall be sworn to keep the secrets of the House.

49th. The Door-Keeper shall be sworn to keep the secrets of the House.

OF STANDING COMMITTEES.

50th. It shall be the duty of the committee of elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House ; and to take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the House.

51st. It shall be the duty of the committee of ways and means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House ; to inquire into the state of the public debt or the revenue, and of the expenditure, and to report from time to time their opinion thereon.

52d. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

53d. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government.

54th. It shall be the duty of the committee on claims to take into consideration all such petitions and matters or things, touching claims and demands on the State as shall be presented, or shall or may come in question and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

55th. It shall be the duty of the committee on commerce to take into consideration all such petitions and matters or things touching the commerce of the State, as shall be presented, or shall or may come into question and be referred to them by the House, and to report from time to time their opinion thereon.

56th. It shall be the duty of the committee on the public lands to take into consideration all such petitions and matters or things respecting the lands of the State, as shall or may come in question and be referred to them by the House, and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.

57th. It shall be the duty of the committee on public expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such provisions and arrangements as may be necessary, to add to the economy of the departments and the accountability of their officers.

58th. It shall be the duty of the committee on military affairs, to take into consideration all subjects relating to the military establishment and public defence, which may be referred to them by the House, and to report their opinion thereupon; and also, to report from time to time such measures as may contribute to economy and accountability in the said establishment.

59th. It shall be the duty of the committee on roads and highways, to take into consideration all such petitions and matters and things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question and be referred to them by the House, and to report thereupon, together with such propositions relating thereto as may seem to them expedient.

60th. It shall be the duty of the committee on public buildings and grounds, to consider all subjects relating to the public edifices and grounds within the seat of government, which may be referred to them, and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.

61st. It shall be the duty of the committee of accounts to superintend and control the expenditures of the contingent fund of the House of Assembly, and to audit and settle all accounts which may be charged thereon; and also to audit the accounts of the members for their travel to and from the seat of government, and their attendance in the House.

62d. It shall be the duty of the committee on mileage to ascertain and report the distance for which each member shall receive pay.

63d. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; and the motion shall be made and the bill introduced if leave is given. When resolutions are called for, such motion, or the bill when introduced, may be committed.

64th. Every bill shall receive three several readings in the House previous to its passage, and bills shall be despatched in order as they were introduced, unless the House shall direct otherwise, but no bill shall be twice read on the same day, without special order of the House.

65th. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

66th. Upon the second reading of a bill, the speaker shall state it as ready for commitment or engrossment; and if committed, then the question shall be, whether to a select or standing committee, or to a committee of the whole House; if to a committee of the whole House, the House shall determine on what day. If no motion be made to commit, the question shall be stated as to its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker's table, to be taken up in its order.

67th. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

68th. All bills ordered to be engrossed shall be executed in a fair round hand.

69th. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

OF COMMITTEES OF THE WHOLE HOUSE.

70th. In forming a committee of the whole House, the Speaker shall leave his chair, and a Chairman, to preside in committee, shall be appointed by the Speaker.

71st. Upon a bill being committed to a committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read

and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be detached or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report the bill may again be subject to be debated and amended by clauses, before a question is proposed thereon.

72d. All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

73d. All amendments made to a report committed to a committee of the whole House, shall be noted and reported, as in the case of bills.

74th. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be first put.

75th. No motion or proposition for a tax or charge upon the people, shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a committee of the whole House.

76th. No sum or quantum of tax or duty, voted by a committee of the whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole House; and so in respect to the time of its continuance.

77th. All proceedings touching appropriations of money, shall be first discussed in a committee of the whole House.

78th. The rules of proceedings in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak more to any question, until every member choosing to speak shall have spoken.

79th. No standing rule or order of the House shall be suspended or changed without one day's notice being given of the motion therefore; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

80th. It shall be in order for the committee on enrolled bills to report at any time.

81st. The rules of parliamentary practice comprised in Johnson's Manual shall govern the House, in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Assembly.

82d. No person shall be permitted to perform divine service in the chamber occupied by the House of Assembly, unless with the consent of the House; nor shall the Assembly room be used for any public or private business than Legislative, except by the permission of the House.

83d. The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of thirty cents each way; but nothing shall be paid for traveling home when the witness has been summoned at the place of trial: no mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

84th. The Clerk shall make a semi-monthly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of each order and proceedings; which statement shall be printed for the use of the members.

85th. The Clerk shall take proper measures for the care and preservation of the public table provided for the business and accommodation of the House.

86th. The unappropriated rooms in that part of the capitol assigned to the House, shall be subject to the order and disposal of the House.

87th. Maps accompanying documents shall not be printed, under the general order to print, without the special direction of the House.

88th. No committee shall be permitted to employ a clerk at the public expense, without first obtaining leave of the House for that purpose.

89th. No call of the yeas and nays shall be regarded by the Speaker unless seconded by at least two members. Whenever the yeas and nays are called, they shall be spread on the journals.

90th. No smoking shall be allowed within the Assembly Chamber during the sessions of the House.

91st. No persons except Senators, State officers, and ladies, shall be admitted within the bar of the House, except by invitation on the part of some member.

probation, (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same did originate,) and shall be entered on the journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the journals of each House.

10. All orders, resolutions and votes, which are to be presented to the Governor of the State for his approbation, shall also in the same manner be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

11. When the Senate and Assembly shall judge it proper to make a joint address to the Governor it shall be presented to him in his audience chamber, by the President of the Senate in the presence of the Speaker and both Houses.

12. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

13. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

14. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

15. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

16. No bill or resolution that shall have passed the Assembly and Senate, shall be presented to the Governor for his approbation on the last day of the session.

17. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

18. No spirituous liquors shall be offered for sale or exhibited within the capitol, or on public grounds adjacent thereto.

[Document No. 2.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

R E P O R T

OF THE

COMMITTEE ON PUBLIC PRINTING.

[GEORGE KERR, STATE PRINTER.]

THE

OF

AND

REPORT

OF THE

COMMITTEE ON PUBLIC PRINTING.

Mr. SNYDER made the following report :

The Committee on Public Printing, to whom was referred the inquiry as to the cause of the delay in furnishing the Journals of the last session, and also to inquire by what authority the Joint Resolution which was passed at the last session of the Legislature, removing the session to Sacramento, is not printed in the Statutes of 1852, have made all possible inquiries during the short time allowed, and beg leave to make the following report :

First. In relation to the publication of the Journals of the Legislature of last session, they learn that a portion of the Journals were delivered at the office of the Secretary of State yesterday morning, and that the remainder will be delivered as soon as they can be bound. They are reported to be in a rapid progress of completion, and will be ready for delivery in the course of two or three days. The State Printers state, in a communication to the Secretary of State, transmitted by him to us, that "if any delay has occurred, it may be traced to the scarcity of necessary materials for the rapid completion of so large a work, and calamity by fire, as well as the want of facilities for binding." The time allowed the committee to make investigations in this matter was necessarily very limited,—but they are fully satisfied, without attributing the blame directly to any parties, that great delay has occurred—that the law has not been complied with; and that the reasons assigned by the State Printers are, to say the least, very unsatisfactory.

The committee were also instructed to inquire "by what authority the

Joint Resolution which was passed at the last session of the Legislature, removing the session to Sacramento, is not published in the Statutes of 1852," would report that the resolution referred to was a *Concurrent*, and not a *Joint* one; did not receive the signature of the Governor; and that the Secretary of State did not consider it to have the force and formality of a law. For this reason the resolution was not published in the Statutes of 1852, but may be found on the 35th page of the Assembly Journals for the same year.

[Document No. 3.]

IN THE ASSEMBLY.]

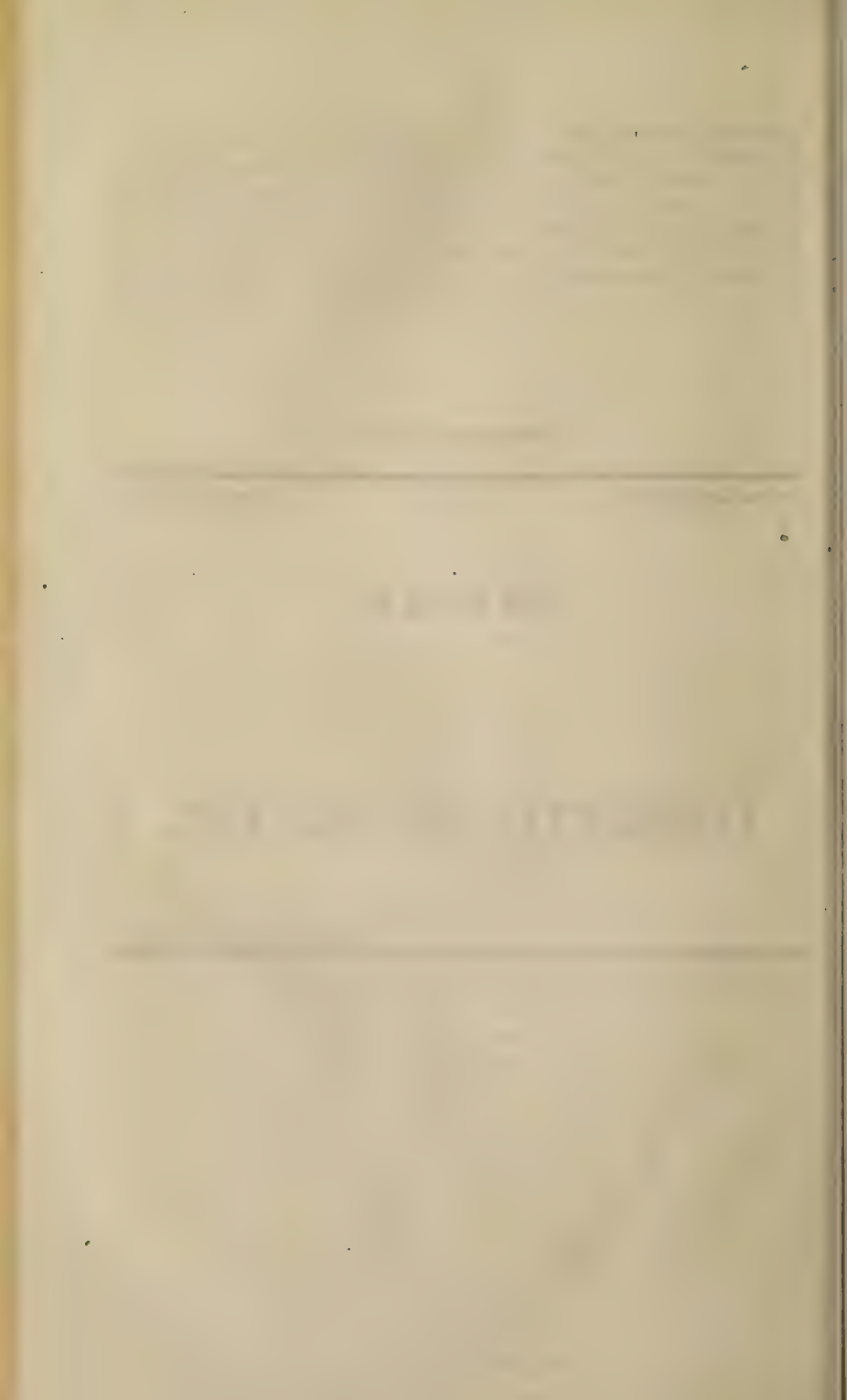
[SESSION OF 1853.]

REPORT

OF

COMMITTEE ON MILEAGE.

[GEORGE KERR, STATE PRINTER



R E P O R T

O F

C O M M I T T E E O N M I L E A G E .

The Committee on Mileage, having that subject under consideration, report the following as the amount of mileage due each member.

NAMES.			COUNTIES FROM.	NO. MILES.	MILEAGE.
Bell,	-	-	Mariposa,	500	\$200 00
Blake,	-	-	San Francisco,	84	40 00
Bostwick,	-	-	Nevada,	400	160 00
Brush,	-	-	Tuolumne,	450	180 00
Cabaniss,	-	-	Shasta,	800	320 00
Caldwell,	-	-	Yolo,	220	88 00
Canney,	-	-	Placer,	380	152 00
Carhart,	-	-	Colusi,	600	240 00
Carpentier,	-	-	Contra Costa,	110	44 00
Conness,	-	-	El Dorado,	340	128 00
Cardozo,	-	-	San Francisco,	84	40 00
Covarrubias,	-	-	Santa Barbara,	900	360 00
Crenshaw,	-	-	Nevada,	400	160 00
Estep,	-	-	Sacramento,	240	96 00
Ewing,	-	-	Sonoma,	60	24 00
Fairfax,	-	-	Yuba,	350	140 00
Flower,	-	-	San Francisco,	84	40 00
Gardner,	-	-	Sierra,	500	200 00
Garfield,	-	-	El Dorado,	320	128 00
Hally,	-	-	San Joaquin,	280	112 00
Harrison,	-	-	Sacramento,	236	94 40

MAJORITY REPORT
OF THE
COMMITTEE ON ELECTIONS.

The undersigned, a majority of the Committee on Elections, to whom was referred the matter of the contest between J. S. Pitzer and W. C. Martin,—each claiming to be a duly elected member of the Assembly from Trinity County, beg leave to report—

That they find among the papers referred to them a certificate of election issued to Mr. Pitzer by the County Clerk, on the 10th day after the election; and the balance of the papers consist of the notice of contest, grounds of contest, and depositions taken in pursuance thereof on the part of Mr. Martin, as contestant. They consider that Mr. Pitzer has, *prima facie*, the right to the seat, and therefore recommend the adoption of the following resolution, which they deem a necessary preliminary to any investigation into the merits of the respective rights of those two gentlemen.

Resolved, That the seat now occupied by W. C. Martin, as a Representative from Trinity county, be declared temporarily vacant.

JESSE BRUSH, Chairman.
GEO. H. BLAKE,
THOS. R. WALKER,
P. CANNEY,
CHARLES FAIRFAX.

[Document No. 5.]

IN THE ASSEMBLY]

[SESSION OF 1853.

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

IN THE MATTER OF THE CONTEST OF W. C. MARTIN AND
J. S. PITZER, CLAIMING TO BE THE REPRESENTATIVE
FROM TRINITY COUNTY.

[GEORGE KERR, STATE PRINTER.

THE
JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE
OF GREAT BRITAIN AND IRELAND
VOLUME 34
PART 1
1904

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

MR. SPEAKER :

The undersigned, a minority of the Committee on Elections, dissenting from the majority in their adoption of a recommendation to declare the seat of W. C. Martin, a Representative from Trinity county, temporarily vacant, beg leave to submit, briefly, the following statement and reasons of their dissent.

Mr. J. S. Pitzer has presented a certificate of election, made out in the usual form by the County Clerk on the 10th day after the election. Mr. W. C. Martin, on the day of the assembling of the Legislature, appeared, presented a certificate of the County Clerk, showing that, according to the full returns of the election—some of which were received subsequent to the 10th day afterwards, he had received a majority of all the votes cast, and was duly sworn in as a member of the Assembly without objection being made.

Your committee are of opinion that Mr. Martin became thereby invested with the full right of membership,—as much so as any other member of the Assembly,—and that this body has no right to dispossess him until a full investigation of the merits of the case shall have shown that he is not the rightful Representative, either by reason of his failure to receive a majority of the votes cast, or of some inexcusable departure from or violation of the election law ; and your committee believe that the matter was referred to them for the sole purpose of making that investigation.

The *prima facie* right claimed by Mr. Pitzer, by virtue of his certificate of election, though it might originally have entitled him to be qualified in

preference to Mr. Martin, has been overcome by the action of the Assembly in allowing the latter to be sworn in ; and this body, in so doing, have recognized in him a right to the seat, of which they can deprive him only for the cause above stated. As well might this Assembly, in the case of those members who were permitted to be sworn in without exhibiting any certificate, deprive them of their seats to admit any individual who might present himself to-day or to morrow with a certificate of election, no matter how obtained.

If there be any advantage in the right of possession, it would certainly be an act of great injustice to deprive Mr. Martin of it and confer it upon Mr. Pitzer previous to any investigation of the merits of the issue between the two. It would be prejudging the case without a hearing.

The course recommended by the majority of the committee will have the effect to retard a decision upon the case ; and we are not aware that it is called for by any parliamentary precedents. On the contrary, we find in the Journals that on the assembling of the last Legislature Mr. T. H. Coates presented a statement similar to that filed by Mr. Martin in the present case, and, although objection was made, he was sworn in as a Representative from Klamath county. A few days afterwards, Mr. W. W. Hawks appeared and presented a certificate of election as Representative from Klamath county, made in due form as that presented by Mr. Pitzer. There was no recommendation by the committee or action by the House in that case to oust Mr. Coates and admit Mr. Hawks. The committee proceeded directly to investigate the merits of the case, although the notice of contest, depositions taken, &c., were on the part of Mr. Coates, as contesting the seat of Mr. Hawks.

We see no reason why a similar course should not be followed here ;— and believing that justice will be done equally as well and the contest more expeditiously settled by allowing us to proceed directly to an examination into its merits, we respectfully recommend that the resolution submitted by the majority of the committee be not adopted.

RICH'D IRWIN,
SAM'L FLOWER.

[Document No. 6.]

IN THE ASSEMBLY.]

[SESSION OF 1853:

ANNUAL REPORT

OF THE

STATE LIBRARIAN.

[GEORGE KERR, STATE PRINTER

ANNUAL REPORT

OF THE

STATE LIBRARIAN.

OFFICE OF SECRETARY OF STATE, }
January 1st, 1853. }

The undersigned in obedience to the requirements of "An Act to provide a Fund for the use of the State Library," has the honor herewith to transmit a complete catalogue of the State Library, setting forth the titles of the works, the number of volumes in each, the source whence obtained, and the total number of volumes.

From this it will be seen that the accessions to the Library, during the past year have been considerable, though not great. Much pains has been taken to open up a system of exchanges with all the States and Territories of the Union, and through this means we are beginning to receive valuable additions, in the way of laws and public documents.

Very few improvements have been made in the literary, scientific and historical departments, and in these we are as yet exceedingly defective. The library contains no treatises on International Law, Political Economy, and the Science of Government; and many of our most valuable works on political and legal subjects, are incomplete.

The amount collected, in this office, through the medium of Commissions for the use of the Library Fund, up to the 20th of December, was five hundred and ten dollars, (\$510).

The amount due that fund, up to the same date, from the same source, is six hundred and eighty dollars, (\$680).

Under the law above referred to, the Comptroller of State is required to reserve from the pay of each member of the Legislature, the sum of five dollars for the benefit of the library. If this provision was carried into effect at the last session, the present amount of this fund is some nine hundred and sixty dollars.

All those who are delinquent in not paying their commission fee have been written to and reminded of the fact, and it is believed that their number will be speedily reduced.

No purchase of books has yet been made by the "Board of Directors," mainly, it is presumed, on account of the smallness of the fund on hand.

The law makes it my duty to recommend such alterations and additions to the Library as may be thought best. In the performance of this requirement, I would recommend for the purpose of rendering our Political Department more complete the purchase of the Congressional Globe of the 30th Congress: Niles' Register: The Madison Papers: Marshall's Colonial History: Marshall's Washington: the Federalist: Jefferson's Works: Calhoun's Works: Adams' Works: Junius' Letters, and Sparks' American Biography.

The Congressional documents from the 1st to the 28th Congress, inclusive, might probably be obtained from the Government on application of the Legislature. They are not to be procured elsewhere. Efforts have been made by me to obtain a complete set of these documents through the State Department at Washington, but have proved unavailing. The value of these publications is such, containing, as they do, almost a complete political history of the country, as would justify the intercession of the Legislature, by way of instructions to our Representatives in Congress for their acquisition.

I would also suggest the purchase of some standard authorities on International Law. The works of Wheaton, Vattel, Grotius, Story and Kent, and the English Admiralty Reports are recommended in this connection. Story's Commentaries on the Constitution, and Marshall's Decisions, are standard expositions of the Constitution and should be speedily obtained.

I would recommend also some works on Statistics and Lexicography. McCulloch's Commercial Dictionary, and Webster's and Richardson's Dictionaries, quarto, are the highest authority.

In the course of a few years, should the present law be continued, our Library will present a respectable collection, and as a means of hastening that event, I would suggest the propriety of relinquishing the fees of this office to the Library Fund.

These fees do not amount to an average of more than \$300 per annum, and consequently their loss will not be felt by the Treasury.

It is believed that it would conduce much to the growth of the Library, by giving the Secretary of State more discretion in exchanges than is now allowed by law. The greatest source of increase is through this channel, and if it were permitted to extend our exchanges to Literary Institutions, Authors and Publishers, it is thought that it might be considerably augmented.

The Act of the last session, "appropriating moneys to meet the contin-

gent expenses of Government," by repealing the law of 1850, which allowed the purchasing of necessary furniture for this office, has placed it out of my power to procure suitable cases and shelves for the use of the Library.

Respectfully submitted,

WM. VAN VOORHIES,
Secretary of State.

To His Excellency JOHN BIGLER.



[Document No. 7.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON WAYS & MEANS.

[GEORGE KERR, STATE PRINTER.

REPORT
OF THE
COMMITTEE ON WAYS AND MEANS.

MR. SPEAKER:

The Committee on Ways and Means have had under consideration the following resolution:

Resolved, That the Committee on Ways and Means be instructed to report to-morrow morning a report that the salaries of the Clerks, Sergeant-at-Arms, and other officers and employees of this House.

—And beg leave to submit the following:

Influenced by a proper regard for the faithful and satisfactory execution of the public trust, the principles of economy, the present depreciation in value of the State currency, and also by a consideration of the immediate press demanded for ordinary sustenance, we have determined that the prices fixed for the compensation of Clerks and other officers and employees of the Assembly in the accompanying resolution, are such as should be allowed for the present session of the Legislature, and we therefore respectfully recommend their adoption.

All of which is respectfully submitted.

S. A. McNEANS, Chairman.
SAM. BELL.
RICH'D IRWIN.
M. P. HALL.
E. HEYDENFELD.

[Document No. 8.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

LIST

OF

PARDONS GRANTED BY THE EXECUTIVE,

SINCE JANUARY 1ST, 1852.

[GEORGE KERR, STATE PRINTER.

LIST OF
PARDONS GRANTED

BY THE EXECUTIVE,

SINCE JANUARY 1ST, 1852.

- February 19th.*—Rosa Avila, (Monterey county,) fine remitted.
- March 23d.*—Charles L. Taylor, (San Francisco,) pardoned.
- April 8th.*—James Murphy, (Placer county,) pardoned.
- April 16th.*—Christopher Kane, (San Francisco,) pardoned.
- May 9th.*—Pastorio, (Marin county,) punishment commuted.
- June 28th.*—John Rice, (Sacramento county,) pardoned.
- July 4th.*—James Devis, (Sacramento county,) fine remitted.
- August 13th.*—Francisco Martinez, (Monterey county,) pardoned.
- August 23d.*—Robert C. Dawson, (Sacramento,) pardoned.
- November 12th.*—Wm. H. Morris, (Sacramento,) pardoned.
- November 19th.*—John D. Aray, Lewis Henry and James Anderson, (San Francisco,) pardoned.

[Document No. 9.]

IN THE ASSEMBLY]

[SESSION OF 1853.

REPORT
OF THE
SUPERINTENDENT OF PUBLIC BUILDINGS.

[GEORGE KERR, STATE PRINTER.

THE UNIVERSITY OF CHICAGO

LIBRARY

1000 S. MICHIGAN AVE.

CHICAGO, ILL.

REPORT
OF THE
SUPERINTENDENT OF PUBLIC BUILDINGS.

VALLEJO, January 1st, 1853.

To the Hon. Speaker of the Assembly :

SIR:—In accordance with the third section of "An Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that officer," passed April 25th, 1851, the State House and rooms connected therewith were thoroughly prepared with every description of furniture necessary for the transaction of public business; by a resolution passed January, 1852, (which I believe does not appear upon the Statutes,) I was directed by law to turn over to the authorities of Sacramento city such furniture as might in their opinion be necessary for the use of the Legislature during its session at that place. Upon conferring with Mayor Hardenburgh, who represented the authorities of Sacramento, and in accordance with his wishes, the whole of the furniture belonging to the State was turned over by me, and by said authorities shipped to Sacramento. It will be seen, by reference to the law creating my office, that it is only during the "recess of the Legislature" that I have any control over the furniture, and of course from the time that the Legislature directed its delivery to the authorities of Sacramento, I could exercise no authority in regard to it until after the adjournment, and am in no way responsible for any losses which have occurred previous thereto. By an Act passed April 30th, 1852, entitled "An Act directing the removal of the Archives and State Officers to the city of Vallejo," twelve hundred dollars was appropriated and placed at the disposal of the Governor, who was directed to carry out the provisions of the Act. The law having only specified the removal of "the State Archives and Officers of the several Departments of the Government," the Governor refused to take charge of the furniture, or

to appropriate any portion of the money placed at his disposal to defray the expenses of its removal. From the various laws passed in reference to the seat of Government, it was evident that the Legislature intended that its furniture should by some means reach the city of Vallejo previous to the commencement of its next session ; and inasmuch as the law directs by Act creating the office of Superintendent of Public Buildings that he shall take charge of and safely keep during the recess of the Legislature, &c., and to see that the halls of the Legislature are suitably prepared for the reception of members, I deemed it my duty to cause the removal of such furniture there to be found, which had to be done upon the faith and credit of the State, there being no special appropriation for the purpose which in the opinion of the Comptroller was necessary to its payment, much of the furniture was necessarily lost or destroyed during the two removals, and while the Legislature was in session at Sacramento city. I could only take what was left and supply the place of what was lost by the purchase of new. There are certain repairs and improvements about the Capitol and State offices necessary to their preservation and the comfort of the members, which I have caused to be made, and, as I suppose, in accordance with the duties of my office. The bills for the various articles provided have not as yet been handed in, but in the course of a few days will be presented for your consideration, and as I trust will meet with speedy action, as many of the parties are much in need of such amount as your Honorable body may determine to be justly due them.

Most respectfully,

Your obedient servant,

JAMES S. GRAHAM,
Superintendent of Public Buildings.

[Document No. 10.]

IN THE ASSEMBLY.]

[SESSION OF 1863.

R E P O R T

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.

R E P O R T
OF THE
COMMITTEE ON ELECTIONS.

MR. SPEAKER:

The Committee on Elections beg leave to report that they have carefully examined the papers submitted to them in the matter of W. C. Martin contesting the seat of J. S. Pitzer, as a representative from Trinity County, and also that they have heard the parol deposition of Judge W. R. Turner, and have agreed on the following facts: That Mr. Pitzer had a majority of the votes which had been returned to the County Clerk up to the 12th of November, the tenth day after the election, and received from the County Clerk on that day a certificate of election in due form; but that further returns were received by the County Clerk from additional precincts in the county, on the 29th day of November, which showed that Mr. Martin had received a majority of all the votes cast for members of the Assembly. Your committee believe that Mr. Martin was the choice of the people of Trinity County as one of their representatives in the Legislature, and failed to receive the usual certificate of election on account of the inclement weather which prevented a prompt transmission of the returns from Union township to the County Clerk. They therefore submit the following resolution, recommending that Mr. Martin be admitted to his seat as a member of the Assembly.

JESSE BRUSH,
GEO. H. BLAKE,
RICHARD IRWIN,
CHARLES FAIRFAX,
PAT. CANNEY,
THOS. R. WALKER,
SAM'L FLOWER.

[Document No. 11.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

R E P O R T

OF

COMMITTEE ON CLAIMS

ON THE

PETITION OF SMITH BROTHERS & CO., WITH OTHER
PAPERS.

[GEORGE KERR, STATE PRINTER.]

REPORT
OF THE
COMMITTEE ON CLAIMS.

The Committee on Claims, to whom was referred the petition of Smith Brothers & Co., requesting a re-issue of certain Comptroller's warrants, which they allege were destroyed by fire on the night of the 3d and 4th of May, 1851, in the building of Bolton and Barron, which said warrants they state, were deposited with F. Marriott, Notary Public, in said building—said petition was accompanied by the solemn declaration of the said Marriott that said warrants were destroyed by fire at the time, and in the building aforesaid.

Now your committee begs leave to report that they have caused the Comptroller's and Treasurer's office to be examined in connexion with said warrants, and find that two of said warrants have been redeemed at the office of the Treasurer of State, previous to the expiration of the last fiscal year, and that they can not say whether any have been redeemed since that time, from the fact that the books have not been made up to this time in the present fiscal year.

Your committee are of opinion from the evidence before them that the prayer of the petitioners should not be granted.

All of which is respectfully submitted.

CRENSHAW.

[Document No. 12.]

IN THE ASSEMBLY.]

[SESSION OF 1853

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

[GEORGE KERR, STATE PRINTER

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COMMUNICATION

FROM THE

ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE,
San Francisco, Jan. 27th, 1853. }

To the Speaker of the Assembly :

SIR—In answer to the resolution of the Assembly requesting my opinion in writing, as to the power of the Legislature, under the first section of article eleven of the Constitution, to remove the permanent Seat of Government from Vallejo, to some other point, and if such power exists, whether it requires a vote of two-thirds of all the members elected, or simply a majority, to effect the passage of such a law, I respectfully submit that the meaning of this section is too obvious to admit of a doubt.

The Pueblo of San José by this Section is made the Seat of Government, and is to remain so until the Legislature by a law passed by two-thirds of the members elected to each House should direct otherwise.

Vallejo is made the Seat of Government by the required majority, and it clearly follows, that this section of the Constitution thereupon became a dead letter, and could never thereafter possess any influence on the question of the location of the Capital of this State.

The future disposition of the Seat of Government, is subject to the control of the Legislature, like any other subject of legislation.

My opinion, therefore, is, that the Legislature can remove the permanent Seat of Government from Vallejo to some other point, and that it does not require a vote of two-thirds of all the members elected, to effect such removal, and that a majority of votes is only necessary to effect the passage of such a law.

I herewith submit an extract from the opinion of my predecessor, of Dec.

30th, 1851, Hon James A. McDougall, upon the subject of the location of the Capital, as a clear, legal solution of all questions that may be suggested.

It has been supposed that the third proviso, Act February 4th, 1851, "That if said Vallejo shall fail, or refuse to comply with the terms of his proposition, in whole or in part, then this Act to be void—would operate as an instant abrogation of the entire law, upon the failure of Vallejo to comply in whole or in part with his propositions, and such indeed seems to be the language of the proviso, but it must be observed, that this law can only be understood and properly construed, in two respects—that is, as an Act of the Legislature, merely, and also as a contract between the State on the one hand, and M. G. Vallejo on the other; that the terms of the last proviso are to be understood in a mere contract sense, is, I think, unquestionable.

"The proposition of Vallejo, is one involving the expenditure and payment of nearly half a million of dollars, and the performance of a number of acts, some of minor and others of material importance, the money to be expended and paid, and the acts to be performed through a long time, during all of which time it was intended that the Seat of Government should be at Vallejo, and during all of which time, it was expected the State would be constructing expensive public buildings, and making permanent arrangements for the Capital. It cannot be supposed that it was intended by the Legislature, that upon any failure, whether material or not, the Seat of Government, by operation or rather by failure of law, returned necessarily to San José, from which place only a two-thirds vote could remove it. The terms of the last proviso are not those of Legislation, but are strictly contract terms; laws are not made subject, but to govern the contingencies of business, they are not made to be operative for indefinite periods, and to be rendered void by possible accidents, the very facts of which may be matters of dispute in the courts—upon any such failure the State would occupy the position of any similarly situated party, with the right to avoid the contract and abandon its advantages, or insist on its benefits and compel its completion. It was never the law of any country that any party could defeat a contract by violating it, and it cannot be held that Vallejo can defeat the contract rights of the State, or deprive the State of any position or advantage it may have gained by his own wrong."

Yours respectfully, &c., &c.

S. C. HASTINGS,
Attorney General.

[Document No. 13.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

COMMUNICATION

FROM THE

SECRETARY OF THE INTERIOR.

[GEORGE KERR, STATE PRINTER.]



COMMUNICATION

FROM THE

SECRETARY OF THE INTERIOR.

[COPY.]

DEPARTMENT OF THE INTERIOR, }
Washington, Aug. 10, 1852. }

SIR :

Pursuant to the requirements of the 26th section of the Act of Congress, approved 23d May, 1850, entitled "An Act providing for the taking of the seventh and subsequent Censuses of the United States, and to fix the number of the members of the House of Representatives and provide for their future apportionment among the several States," I have the honor to transmit to you, herewith, my official certificate of the number of Representatives apportioned to the State of California, under the last or seventh enumeration of the inhabitants of the United States.

I have the honor to be,

Sir, with much respect,

Your obedient servant,

ALEX'R H. H. STUART,

Secretary of the Interior.

To His Excellency, the Governor
of the State of California.

[COPY.]

I, Alexander H. H. Stuart, Secretary of the Interior, do hereby certify,

that in discharge of the duty devolved on me by the provisions of an Act of Congress, approved May 23d, 1850, entitled "An Act providing for the taking of the seventh and subsequent Censuses of the United States, and to fix the number of the members of the House of Representatives and provide for their future apportionment among the several States," and in pursuance of the provisions of another Act of Congress, approved 30th July, 1852, entitled "An Act supplementary to an Act providing for the taking of the seventh and subsequent Censuses of the United States, and to fix the number of the members of the House of Representatives and provide for their future apportionment among the several States, approved May 23d, 1850," I have apportioned the Representatives among the several States as provided for by said Acts, in the manner directed by the 25th section of the Act approved 23d May, 1850, and the 1st section of the Act approved 30th July, 1852.

And I do hereby further certify that the number of Representatives apportioned to the State of California under the last or seventh enumeration of the inhabitants of the United States is Two (2.)

{ L. S. }

In testimony whereof, I have hereunto subscribed my name, and caused the Seal of the Department of the Interior to be affixed at the city of Washington this second day of August, in the year of our Lord one thousand eight hundred and fifty-two.

ALEX'R H. H. STUART.

[Document No. 14.]

IN THE ASSEMBLY

[SESSION OF 1853.]

COMMUNICATION

FROM THE

COMPTROLLER OF STATE.

[GEORGE KERR, STATE PRINTER.]

COMMUNICATION

FROM THE

COMPTROLLER OF STATE.

COMPTROLLER'S OFFICE,
Benicia, Feb. 3, 1853. }

Hon. ISAAC B. WALL,
Speaker of Assembly.

SIR:—In pursuance of a resolution of Assembly, dated February 3, 1853, desiring the Comptroller to inform that body “whether any warrants have by him been issued to that date in favor of the State Prison Contractors, &c.” I have the honor to state that no payments have been made to said contractors, or on account of said contract to this date.

With respect,

I have the honor to be
Your obedient servant,

WINSLOW S. PIERCE,
Comptroller of State.

[Document No. 15.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.

THE UNIVERSITY OF CHICAGO
LIBRARY

BOOK
NO. 10
EXHIBIT OF THE UNIVERSITY

CHICAGO, ILL., 1892

THE UNIVERSITY OF CHICAGO
LIBRARY

REPORT

OF THE

COMMITTEE ON ELECTIONS.

MR. SPEAKER :

We, the undersigned, a majority of the Committee on Elections, to whom in part was referred the matter of contest between Walter Van Dyke and James McMahon, each claiming to be the legally elected member of Assembly from Klamath county, beg leave to report.

The committee have examined with the utmost care all the documentary testimony adduced on both sides, and examined a number of witnesses, giving them the largest latitude of speech, in order that as much light as possible might be shed on the case, to enable us to arrive at a correct understanding of its merits. The undersigned find there is but one point, and that a question of boundary to be considered. It appears by the returns from all the precincts of Klamath county, sent to the County Clerk's office, that Walter Van Dyke received 240 votes, and James McMahon 171 votes. The contestant, McMahon, avers that two of the precincts, Althouse Creek and Walling's Ranch, whereat Walter Van Dyke received a majority of votes, is not in the county of Klamath in the State of California, but in the Territory of Oregon; and also that one of the precincts (Walling's Ranch) was not established by the Court of Sessions, the only constituted authority. The certificate of election, by virtue of which Mr. Van Dyke holds his seat, shows that if these two precincts (Althouse Creek and Walling's Ranch) be set aside, that James McMahon, the contestant, would have a majority of the votes cast. To sustain himself in his averments the contestant has produced documentary evidence, verbal testimony, and the map of the Surveyor General of the State, which goes to show that the precincts (Althouse Creek and Walling's Ranch) are already in the Territory of Oregon. On the contrary, the gentleman who holds the seat, Mr. Van Dyke, has brought

forward witnesses who swear, to the best of their knowledge and belief, that the precincts of Althouse Creek and Walling's Ranch, are in Klamath county, in this State.

The undersigned find the evidence very conflicting, and therefore propose a brief analysis of the testimony. We find, from the evidence adduced on both sides, that new diggings were discovered in the vicinity of Althouse Creek and Illinois River. The diggings were called the Sailor Diggings, and lie near the boundary of California and Oregon.

The evidence further goes to show, that the question as to whether the diggings are in Oregon or California, has been and is still in dispute among the people of that section of country. It further appears that the Court of Sessions of Klamath county, at the last general election, established precincts at Althouse Creek, Josephine Creek and Sucker Creek, and that Walling's Ranch precinct was established by Judge Roach of his own volition.

The undersigned, in view of the conflicting, documentary and verbal evidence adduced by the contestants, have resolved to attach the most weight to that which is sustained by the map of the Surveyor General of the State, which places Althouse Creek and Walling Ranch in the Territory of Oregon. These two precincts being set aside, Mr. McMahon is found to have a majority of the votes polled in the county of Klamath.

We, therefore, submit the following resolution: That the seat now occupied by Walter Van Dyke be declared vacant, and that James McMahon be admitted to a seat as a member of Assembly.

JESSE BRUSH,
RICH'D IRWIN,
GEO. H. BLAKE,
CHAS. FAIRFAX,
PAT. CANNEY.

[Document No. 16.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.

1880 1881

1881 1882

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

MR. SPEAKER:

The undersigned, of the Committee on Elections, beg leave to submit the following report in the matter of J. McMahon contesting the seat of W. Van Dyke as a Representative from Klamath county.

The contestant alleges that two precincts known as Althouse Creek and Walling's Ranch are within Oregon Territory, and that the votes cast at those precincts were improperly counted in the official returns,—according to which, Mr. Van Dyke has a majority of sixty-nine votes over Mr. McMahon. If these votes are thrown out, Mr. McMahon has a majority of seven over Mr. Van Dyke.

The depositions of numerous witnesses touching the locality of these two precincts were introduced before the committee, and are so voluminous that it would be impossible to give a full and fair statement of their substance within the limits of this report. The testimony was conflicting, and the undersigned are of the opinion that it was at least as favorable to the claims of the incumbent as to those of the contestant. The contestant also introduced a tracing from the Map of the State—now being prepared by the Surveyor General of the State—according to which the above named precincts are within the limits of Oregon Territory. But that officer stated in his testimony that he had never visited this portion of the State, and was guided in the preparation of this Map by information received from others. On the other hand, the same officer produced a Map of this region of country prepared by J. T. Lowry, County Surveyor of Siskiyou county, in obedience to the instructions of the Surveyor General, which instructions were forwarded in compliance with the Act passed at the last session of the

Legislature. "to provide for a Map of the State of California." This Map locates the precincts in question within the boundary line of Klamath county. The undersigned is of opinion that this Map,—made by the County Surveyor, and accompanied by his assurance that "the position of the various streams, &c., are correctly laid down."—is more likely to be correct than that prepared by the Surveyor General, who had not been over the ground.

It also appears in evidence that Klamath county has assumed and exercises jurisdiction over this section of country; at the late election, precincts were regularly established by the Court of Sessions on Althouse Creek and at Sailors' Diggings, and the County Judge attended one of these precincts on the day of election. Township and county officers were voted for. It further appears that Oregon has never exercised any jurisdiction over said section, and has never held any election there. In the face of the presumption to be derived from these facts above, that these precincts are in Klamath county, positive and direct evidence that they are in Oregon should be required before disfranchising the number of voters who participated in that election.

Again, it does not appear that the contestant has complied with the provisions of the law in instituting the proceedings preliminary to a contest. The incumbent was not notified of his intention to contest, and a large portion of the testimony introduced by the contestant are *ex parte affidavits*. The incumbent has had no opportunity to cross-examine the witnesses, nor introduce witnesses of his own except such as happened to be present at Vallejo or San Francisco during the session of the committee while having this case under consideration.

The undersigned are of opinion that Mr. Van Dyke is justly entitled to the seat now held by him, and respectfully recommend that he be retained in the same.

SAM'L FLOWER,
THOS. R. WALKER.

[Document No. 17.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

REPORT

OF THE

COMMITTEE ON ELECTIONS.

GEORGE WARR, STATIONER AND PRINTER.

REPORT
OF THE
COMMITTEE ON ELECTIONS.

The Committee on Elections, to whom was referred the matter of E. O. F. Hastings, contesting the seat of A. G. McCandless, as a Representative from Sutter county, beg leave to report as follows :

According to the certificate of the County Clerk, Mr. McCandless received a majority of the votes that were counted by that officer. Mr. Hastings contests the seat of the former on the ground that the votes returned from a precinct designated as Cranmore's Ranch, were not included in the enumeration made by the County Clerk ; these returns, if counted, would give Mr. Hastings a majority of one vote over Mr. McCandless. It appears in evidence that the officers who officiated at this precinct were not sworn ; that the returns were opened during their conveyance to the County Clerk's office ; and also, that there is a discrepancy between the returns made out by the officers of that precinct and what is certified by the County Clerk to be a copy of the returns filed in his office.

Your committee believe that the sanctity of an oath is an essential qualification of those officers appointed to preside over the ballot box ; without which, great wrong might be practised and no remedy be left to punish the offenders. With a view to establishing this precedent now, and for the reasons above stated, your committee believe that the returns from Cranmore's Ranch should be rejected.

JESSE BRUSH, Chairman.
CHARLES FAIRFAX,
PATRICK CANNEY,
GEO. H. BLAKE,
SAM'L FLOKER.
THOS. WALWER,

[Document No. 18.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

R E P O R T

OF THE

TRUSTEES STOCKTON STATE HOSPITAL.

[GEORGE KERR, STATE PRINTER.]

UNIVERSITY OF CALIFORNIA LIBRARY

REPORT

OF THE

TRUSTEES OF THE STOCKTON STATE HOSPITAL.

To the Honorable the Legislature of California:—

The Trustees of the Stockton State Hospital beg leave respectfully to submit their second annual Report to your Honorable body. In doing so they have caused to be prepared the accompanying exhibit (A,) showing a detailed statement of its fiscal affairs, under their administration, from its organization to the 31st of December, 1852, inclusive. From this it will be seen that the Trustees have received from all sources, the sum of fifty-one thousand one hundred and forty-three dollars and forty-three cents; and that there is to be deducted from this six thousand five hundred and eighty-three dollars and sixteen cents, for the depreciation of State Warrants; and one thousand seven hundred and forty-six dollars and twenty-three cents, the unaccounted for balance in the hands of W. A. Root, late Treasurer, at the time of his death—leaving a balance in cash received (from all sources) since our organization, of forty-two thousand eight hundred and fourteen dollars and four cents.

The said exhibit (A,) further shows that for the year A. D. 1852, we have received from all sources, *in cash*, (including Argenti's certificate of deposit,) the sum of thirty-seven thousand eight hundred and seven dollars and twenty-nine cents; to which add four thousand eight hundred and forty-eight dollars and ninety-one cents, for the depreciation in warrants received during the year, and one thousand seven hundred and forty-six dollars and twenty-three cents for the deficit by W. A. Root, and we have received the total amount of forty-four thousand four hundred and one dollars and three cents, in means, available and unavailable, during the present year, for the support and maintenance of the institutions under our care. And we have expended all the funds we have received, less the sum of fifteen hundred and fifty-seven dollars and sixty-three cents, now in the treasury, and the loss aforesaid of one thousand seven hundred and forty-six dollars and twenty-three cents, sustained by

the aforesaid deficit of Wm. A. Root. It is proper to state that his account is presented in exhibit (A) just as he stated it, without change or alteration of any kind whatever.

We have drawn the sum of seven thousand five hundred dollars in warrants, of the special appropriation made by the last Legislature, to erect the Lunatic Asylum, which has been paid to the contractor, as shown by the exhibit (A.) pages 25 and 26.

The intimate relation of the Hospital and Lunatic Asylum, renders it impracticable and even impossible, to keep the accounts so distinct between them as to show the amount due from one to the other, or the actual cost of each, in its support. An attempt is made in exhibit (A,) (p. 21 et seq.,) at an approximation to the truth on this point, but it is obvious from the number of patients in each, which is relatively varying almost every day, that it is but a mere attempt, and one not at all successful, in showing the real relation of each to the other, in the respect under consideration. While some items of charge are perfect against one or the other institution, there are others, from their nature—as the butcher's bill, for instance—which cannot be accurately proportioned between them.

The construction the Comptroller of State puts upon the 8th section of the Commutation Act, passed at the last session of the Legislature, has been a serious inconvenience and injury to the Hospital, while it has been of no advantage to the State. He holds, that by that section he can only issue his warrants monthly, for such accounts as we may exhibit him against the Hospital, and which are due and unpaid. In other words, that we can only get funds to pay debts incurred *in supporting* but none *for the support* of the Hospital. The *inconvenience* of this is, that we must buy everything on a credit, and when bought the creditor is often necessarily delayed, and to that extent the credit of the institution affected, even when there are funds lying idle in the State Treasury especially dedicated to its support. If this be the true meaning of the law, we submit that its folly is self evident. Again, others not familiar with the rule of construction adopted by the Comptroller, do not present their accounts exactly within the month, and when they do present them they are seriously, (sometimes grievously) disappointed, at finding they must be delayed another month in order for the Comptroller to pass on their accounts.

The practical inconvenience of this rule is so apparent that on two or three occasions the Comptroller has waived it, for the time being, and issued for such amount as the Treasurer could precisely certify to, as being due, and on his assurance that he would produce the accounts in verification of his certificate.

Again, the Hospital has suffered direct injury by this construction, because it has kept back in the Treasury the Commutation Fund, until such period as it became the duty of the Comptroller to turn it over to the General Fund.

The Commutation Fund becoming thus exhausted, it became necessary to issue to us warrants on the General Fund, and these had to be sold at a great sacrifice, for the support of the Hospital. So that while the State and Hospital are injured by the rule, no interest, public or private, is or can be benefitted by it. Such a construction virtually substitutes the Comptroller for the Board of Trustees, and from the nature of the case,

takes the administration of the affairs of the institution from the hands of those necessarily the most competent to control them, because most familiar and conversant with its affairs. It leaves the Board of Trustees without the power and discretion naturally pertaining to their office. If the Comptroller is but to ratify the acts of the Board, then the rule is useless and wanting in reason. If his discretion and judgment are to be substituted for those of the Board, (as such construction makes them,) then it is respectfully submitted that the Board had better be abolished. It, with the sanctions of oaths, and the other obligations of office, is of no practical utility. The difficulties of their station are necessarily increased, while their usefulness is rendered almost entirely nugatory. We submit that the accounts or drafts of the Board for means to sustain the Hospital, and not the accounts of the creditors of the Board against it, shall be the rule by which our demands shall be audited; and that we be responsible, *directly*, to the Legislature, and not through the medium of the Comptroller, for the management of our funds.

The Board of Trustees believed themselves authorized, from the nature and purpose of their creation, and the statute organizing them and defining their duties and powers, to erect a State Hospital. They accordingly, in the months of July and August last, advertised in two newspapers for proposals to erect the same, on a plan and with specifications, which they believed would be commodious, convenient and comfortable, to be let to the lowest bidder who would give bond and security to perform the work according to the said plan and specifications. At the same time they advertised for proposals to build an Insane Asylum. They received eleven bids, and gave the contracts to the lowest bidders who would comply; which was a contract of \$31,893, with Luke Vickers and William Saunders, to build the Hospital; and a contract of \$15,470 with H. M. Smith, to erect the Asylum. The contractors proceeded to the execution of the work; and after some progress and a very great outlay of money by them, the President of the Board drew a draft, properly countersigned, for money to carry on the erection of the Hospital, on the Comptroller of State. But the Comptroller refused to issue his warrant for any sum whatever, averring that by his construction of all the laws concerning the Hospital, taken together, that there was no authority left in him to issue for anything more than the bare support and maintenance of the Hospital. The Board, of course, disagreed with him; and they desired him to take the opinion of the Attorney General of the State, who was, at the very time, in the Capital. This he declined doing; but said he would give the laws a careful and thorough revision, and if he came to the conclusion that we were entitled to the money, he would then issue his warrants for it, otherwise he would not. After a month or six weeks he gave a written opinion to the Board, directed to their treasurer, which he has had published in several newspapers, as we presume, because we have had no agency either direct or indirect in its publication. In the mean time, the Board itself consulted the Attorney General. But he declined to give any opinion as to the duty of the Comptroller, except at the instance of that officer, stating that he had made no such request upon him. It is not the purpose of the Board, in this report, to controvert the soundness of the Comptroller's legal opinion; because it would be out of place in a mere report concerning the condition and wants of the Hospi-

tal ; and, because a legal discussion of the nature and true construction of a variety of statutes bearing on the subject in hand, would not be likely to enlighten the Legislature of the State, as to their duty to themselves and the country. That duty, the Board presumes, is limited only by equity, justice and policy, within the pale of the Constitution. As the Board have, under the circumstances, declined all proceedings against, and all legal discussion with the Comptroller, and have determined to appeal to the justice and wisdom of the Legislature, to be exercised upon a just policy and a sound expediency, it becomes not improper, we hope, in the discharge of our duty, to explain to your Honorable body why it should, in an authoritative and unmistakeable manner, provide the means to enable the Board to complete their undertaking. That the Board took the steps they did *in good faith*, under the laws, whatever be their real meaning, and only with a sincere desire to discharge their duty faithfully, is a circumstance that will, we suppose, have no inconsiderable influence with your body.

In the prosecution of your duty, however, we are aware that faithfulness alone to our conceptions of duty, will not suffice as a basis for your action. You must be satisfied that the interests of humanity, concurring with an enlightened policy, justifies the course we took, in obedience to our dictates of duty. Is this so ? We think the condition of the Hospital, and its extensive and rapidly extending usefulness, sufficient answer to this question. The number of its inmates, the wretched state of their accommodation, the great and constant increase of patients, are sure criterions of what humanity and policy demand at your hands. And when we remember the unexampled increase of the population in the southern mines, and the country bordering on them, the future can be readily seen from the existing state of things.

Men of humane sentiments, generous hearts and expansive minds, it seems to us, cannot fail to perceive, when contemplating the development of this portion of our State, the extreme urgency of the necessity under which we labor. And, when it is remembered that this already great and increasing population is one of homeless men, as a general rule, who are mostly strangers to each other, and deprived of the solace and comforts of their own kindred and families, and on these accounts doubly subject to disease, destitution and extreme suffering, it would seem that an enlightened statesmanship must concur with the earnest demands of humanity, and that both alike dictate to your Honorable body, that your duty in the premises is to sanction and effectuate what we have thus far vainly tried to do—and, as we honestly believe, *by authority of law*.

But this is not the only instance in which the Board have been thwarted in the supposed discharge of their duty by the Comptroller of State. The last Legislature authorized us to erect a Lunatic Asylum for the State, and made a special appropriation of ten thousand dollars towards its erection. At the same time, and in the same manner that we advertised proposals, plan and specifications for the Hospital, we advertised the same for the erection of the Asylum. This plan was on a scale of dimensions as contracted as possible, so as to be at all useful or convenient, for the purposes intended ; as we were advised by both the physicians to the Hospital. One more limited in its character, it was thought, would be a waste of time and money to construct, even as a temporary arrangement.—

And the lowest bid we could obtain, able and willing to give the necessary security, was that by H. M. Smith, for the sum of \$15,470, and we made a contract for that sum, not doubting for a moment that the Legislature would make up the deficiency, yet when the proper draft was presented to the Comptroller for the *Legislative appropriation* of ten thousand dollars he would only give us five thousand dollars. In about a month afterwards we asked for the remainder, when the Comptroller would audit but \$2,500. The contractor had made a contract for lumber at \$80 per thousand, and by or about the time of the second demand, it had arisen to just double that sum; and as the time of payment had expired, and because he could not get money to meet this and other contracts, he had to forfeit them. If the entire appropriation had been given us, it is believed this and similar losses would not have occurred. The reason the Comptroller gave for his course, was that the law *made it his duty to see* that the Asylum was completed before he paid over the entire appropriation—*otherwise the Board would be coming before the Legislature with relief bills*. He was reminded that the Legislature had not appointed him the *superintendent* to see to the erection of the Asylum, and that it had entrusted to the Board the expenditure of the money, and that the persons composing the Board were men of individual honor and sworn officers, as good patriots and as great devotees of economy as himself—and finally, that the reason was absurd, because no conduct of his, right or wrong, could prevent us from going before the Legislature for relief. And moreover, that the reason defeated itself, as his course would *compel* us to apply to the Legislature to relieve us from the injury his conduct had, and was likely to inflict. He, however, persisted in the conclusion, in effect, that he *was* the superintendent for the erection of the State Asylum, and as such he refused to issue to the Board *Comptroller's* Warrants for the appropriation to build it, until HE was satisfied it was completed, and as we suppose, in a workman-like manner.

Five thousand dollars of the warrants received to erect the Asylum, were sold for eighty cents per dollar; two thousand of the \$2,500 last received were sold at seventy-seven cents, and \$500 two days afterwards at seventy-five cents on the dollar. So that a direct loss has occurred in consequence of the Legislature appointing the Comptroller our superintendent, if he were right in the assumption that it did.

As no State with which we are acquainted has ever erected a Lunatic Asylum for less than eight or ten times the sum appropriated, the Board might have safely concluded that the present appropriation was a mere basis for future ones. But they did not do so, but proposed and contracted for a building on as limited a scale as possible to meet present and indispensable exigencies. They therefore appeal with great confidence to the justice and good sense of the Legislature, to relieve them from the condition in which they are unavoidably placed in the discharge of a gratuitous and onerous duty.

We submit herewith the very able and interesting report of Dr. Reid, the resident physician at the Hospital, which we ask may be considered as a part hereof, (Appendix B,) and which shows fully the interior of the institutions under our care. We deem it unnecessary to encumber this Report with statistics, statements or principles, culled from this lucid exposition of the affairs of which it treats.

The Trustees have received no grant and therefore from Charles N. Taylor a note to take all their resources between them and secure some, or at least to meet the Hospital and Hospital building and for the use and benefit of the same. Part of said note—this is what the board has now before me—it is the part of the Hospital and the remainder is a statement of the board and presented with a list of the names of the members of the board, as the board has. The board is not authorized, providing a list of names in the list of names, and a statement of the board, and the board has no right to accept, or that, otherwise, and for the purpose of which it is desired.

All of which is respectfully submitted.

WELSH TAYLOR, Pres.
R. F. LEE
JAMES S. FRANKLIN
HENRY A. CHASE

EXHIBIT A.

TO REPORT OF THE TRUSTEES

OF THE

STOCKTON STATE HOSPITAL.

STOCKTON STATE HOSPITAL,

An Exhibit, showing from the Treasurer's Books the amount received by said Hospital from all sources, and the amount expended, and on what account, from the 29th day of November, 1851, to the day of December, both inclusive, to wit:

DR.

1851.

Nov. 29, Whole amount received, to date, brought forward, \$8,146 07
Dec. 1, Received from patients in the Hospital for November, - - 95 00
" 31, To amount of cash received on account \$20,000 appropriation, 3,400 00

\$6,641 07

1852.

Jan. 17, To amount of cash received on sale of \$2,000 warrants on the \$15,000 appropriation, - - 1,000 00
Feb. 23, To amount of cash received on a Theatre license, - - 58 00
April 16, To amount of cash received on do., 20 00

Amount carried forward, - - \$7,719 07

CR.

1852.

Amount expended and for what.

Nov. 29, By amount of expenditures against moneys received to date, \$1,961 04
" By amount of check, No. 4, 21 67
" By amount of order in favor of Daniel Y. Barley, - - 296 46
" By amount of order in favor of S. Byrne, - - 14 50
" Amount of order in favor of P. Gilbert, - - 57 00
" Amount of order in favor of John Butler, - - 100 00
" Amount of Rea & Barnes' bill, 14 12
" Amount of do. do. 27 00
Dec. 1, Am't of order in favor of C. Brown & Co. 99 42

Amount carried forward, - - \$2,591 21

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

DR.		CR.	
1852.		1852.	
March 5,	Amount brought forward, \$7,719 67	Jan. 3,	Amount brought forward, \$2,591 21
9,	To cash received from \$20,000 appropriation, - 1,713 83	17,	Cash paid balance on lease to Jelly, 390 00
25,	Do do do 1,120 00	Feb.	Expenses of collection, - 140 00
June	Do do do 912 00		Visiting Physician, - 250 00
	Received order on State Treasurer		J. D. Dagget, - 620 50
	for \$6,413 46, and received in		Morrison, - 8 00
	cash \$3,656 02, with 157 oz. 11 $\frac{3}{4}$		G. M. Penfield, - 10 00
	dwt. gold dust at \$17 50 per oz.		J. Ferguson & Co., - 299 11
	\$2,757 44—sold at \$17 25 per		S. Landdon, - 450 00
	oz., \$2,718 38: Total, - 6,374 40		Stockton Journal, - 106 00
	Cash received from sale of \$1,250		San Joaquin Republican, - 106 00
	Warrants of the \$15,000 appropriation, - 1,000 00		Murphey & Ferguson, - 46 75
			J. Ferguson & Co., - 134 12
			E. S. Holden & Co., - 37 37
			do - 13 25
			J. Brown & Co., - 196 49
			J. A. Walker, - 36 00
			Murphey & Ferguson, - 55 75
			A. Blackman, - 37 38
			John (Lascar,) - 100 00
			J. Pockleman, - 40 00
			F. Barnes, - 36 50
	Amount carried forward, \$18,839 30		Amount carried forward, \$5,704 43

STOCKTON STATE HOSPITAL - EXPENDITURES

1908

Nov

Amount carried forward

\$15,820 30

1909

Feb

Amount brought forward,

Cash paid & credit,

180 M Levy

180 P. Raymond

180 John Cameron

180 Wood & Fisher

180 Chumman,

do

180 do

180 P. Long on horse

180 Mrs. Alvares on receipt

from of Feb. 21,

180 Mrs. Alvares

180 A. Taylor

180 P. Haring

180 M. D. Fisher

180 Mrs. Alvares

180 L. G. De Costa,

180 P. L. Ren,

180 W. P. Roberts

180 Page & Webster,

180 Murphy & Ferguson,

Amount carried forward,

\$15,820 30

Amount carried forward

\$15,820 30

Amount carried forward,

\$15,820 30

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

1852.		DR.	CR.
Amount brought forward,	\$18,839 30	Amount brought forward,	\$7,792 86
		March, Cash paid Wm. Bell,	- 57 00
		Do John Canovan,	- 212 50
		Do A. W. Ball,	- 13 00
		Do P. Barnes,	- 23 25
		Do do	- 23 25
		Do do	- 21 75
		Do Zacharia & Brother,	- 27 75
		Do Stockton Journal,	- 6 00
		Do Mrs. Masters,	- 75 00
		Do W. Silver,	- 75 00
		Do Antonio,	- 200 00
		Do Francis, (Lascar,)	- 100 00
		Do Antonio,	- 100 00
		Do William, (Lascar,)	- 75 00
		Do do	- 150 00
		Do Jacob Christian,	- 24 00
		Do Weber & Hammond,	- 750 00
		April and May, By cash paid expenses col-	
		lecting revenue, going to San	
		Francisco and Sacramento, etc.,	
		and 5 per cent. on cash collected	113 69
Amount carried forward,	\$18,839 30	Amount carried forward,	\$9,840 50

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

1852.	DR.	CR.
June	Amount brought forward,	\$9,840 05
Do	By cash paid M. H. Bond,	- 10 00
Do	E. S. Holden & Co.,	- 79 87
Do	do	- 45 75
Do	do	- 50 50
Do	R. K. Eastman,	- 21 37
Do	Thomas Barnes,	- 49 25
Do	Paige & Webster,	- 57 25
Do	Weber & Hammond,	- 750 00
Do	Expenses going to Sacramento,	- 24 00
Do	Draft on revenue,	- 15 00
Do	John Canovan on acc't,	400 00
Do	J. Ferguson & Co., on account,	- 400 00
Do	Mrs. Masters on account,	300 00
	By amount cash on hand,	- 6,745 76

\$18,839 30

\$18,839 30

STOCKTON STATE HOSPITAL--EXHIBIT CONTINUED.

DR.		CR.	
1852.		1852.	
July 5, Cash on hand,	- -	July 7, By cash paid P. E. Jordon & Co.,	\$223 33
		do Ward & Visher,	425 91
		do do	478 83
		do Murphey & Ferguson,	218 39
		do Thompson & Co.,	333 00
		do J. Canovan, bal. of bill,	50 73
		do do	299 21
		do do	175 00
		do Mrs. Masters, bal. bill,	150 00
		do do	300 00
		do William,	75 00
		do Francis,	200 00
		do J. C. Davis,	45 00
		do R. K. Reid,	2,000 00
		do J. Ferguson & Co., bal- ance of bill,	821 22
		do J. Canovan,	108 00
		do Balance cash in hand,	842 44
			<u>\$6,745 76</u>

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

DR.

1852.			
Aug. 2,	Cash on hand,	-	\$842 44
18,	Received from the State Treasury, \$1,868 in cash, and 179 ounces gold dust at \$17 50, (\$3,132,) which weighed when cleaned in Stockton, 176 oz. 15 dwts. 6 grs. at \$17 25, \$3,049 11,	-	4,917 11
	Cash received from Circus,	-	15 00
24,	do do Treas. of State,	2,000 00	
	do do Concerts,	15 00	
25,	do do proceeds of sale, of \$4,250 State Warrants at 90 cents,	-	3,825 00

Amount carried forward, - \$11,614 55

CR.

1852.			
Aug. 2,	By cash paid E. Holden & Co., 4 bills,	\$172 75	
	do Dr. R. P. Ashe,	-	200 00
5,	do Todd & Co.'s Express, 2 bills,	-	11 00
18,	do Expense to Vallejo and back,	-	69 00
	do Chinaman,	-	30 00
	do John, (Lascar,)	-	62 50
	do Rea & Barnes,	-	61 75
	do W. A. Root,	-	750 00
	do J. Ferguson & Co.,	-	394 11
	do do	-	555 47
	do John Gross & Co.,	-	425 37
	do Alfred Taylor,	-	160 00
	do Mrs. Masters,	-	150 00
16,	do Francis, (Lascar,)	-	100 00
	do W. De Silva,	-	75 00
	do Manuel,	-	37 50
17,	do F. A. Smith & Co, 2 bills,	166 00	
18,	do R. P. Ashe,	-	750 00
	do Paige & Webster, 2 bills,	101 88	
24,	do Expenses to Vallejo and San Francisco, and return,	90 00	

Amount carried forward, - \$4,362 88

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

DR.		CR.	
1852.	Amount brought forward,		\$4,332 33
			5 41
	Aug. 24, Cash paid balance old account,	Amount brought forward,	
	25, do	commission on the sale of	
		scrip, 1 per cent.,	57 38
	do	R. R. Reid,	- 2,000 00
	do	R. P. Ashe,	- 1,800 00
	do	Mrs. Masters,	- 75 00
	do	W. A. Root,	- 750 00
	do	E. Hall,	- 200 00
	do	J. Pastore,	- 100 00
	do	Chinaman,	- 91 50
	do	Robert Gooburn,	- 370 70
	do	A. Blackman & Co.,	- 16 00
	do	M. H. Bond,	- 40 00
		Cash on hand,	- 1,746 23
			<u>\$11,614 55</u>
	Sept. 1		
	Sept. 4, 1852,		
			<u>\$11,614 55</u>

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

DR.

1852.			
Sept. 25,	To amount received from Lee & M.'s Circus, -	\$5 00	
30,	To this amount received from the State Treasurer, on a Comptroller's Warrant, -	2,626 25	
Oct. 16,	To 99 ozs. gold dust at \$17 50, amounting to \$1,733 22, deposited at Adams & Co. at \$17 25, and weighed here 99 ozs. 12 grs. -	1,708 11	
	(This amt't received for the Asylum)		
20.	To amount received from Chapman's Theatre, -	10 00	
26.	To amount received from Chapman's Theatre, -	10 00	
29.	To amount received from Chapman's Theatre, -	5 00	

Amount carried forward, -

\$4,364 36

CR.

1852.			
Oct. 1,	Cash paid Fobes Burger's account, do J. O. Alexander's do	\$25 00	
2,	do Williams account \$150, François \$100, Frank \$50, Mrs. Masters' \$150, and Bradley, \$100, -	77 50	
9,	do John M. Birdsall & Company, -	580 00	
11,	do Rea & Barnes, -	55 00	
	do George Kerr, San Joaquin Republican, -	31 00	
13,	do Baldwin & Gardner, for rent, -	144 00	
19,	do J. Tabor, Stockton Journal, -	600 00	
	do W. Baker, -	144 00	
	do R. P. Ashe, -	20 00	
26,	do R. P. Ashe, -	183 32	
29,	do M. H. Bond, -	20 00	
	do D. S. Holden & Co., 3 accounts, -	50 00	
Nov. 3,	do Robt. Goodrum, 2 acc'ts, -	267 50	
	Amount carried forward, -	84 00	

Amount carried forward, -

\$2,281 32

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

1852.	DR.	CR.
	Amount brought forward, -	
	\$4,364 36	
1852.		Amount brought forward, -
		\$2,281 32
	Nov. 3, Cash paid A. C. Baine, expense to	
	Vallejo and back, -	24 00
	Do A. C. Baine, do -	24 00
		<u>\$2,329 32</u>
		By balance on hand, -
		<u>2,035 04</u>
		<u>\$4,364 36</u>

STOCKTON STATE HOSPITAL--EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

DR.		CR.	
1852.			
Nov. 3,	To balance on hand, -	Mrs. Maria Liley's account, -	\$250 00
6,	To this amount received from New Orleans Serenaders, -	Jasper M. Whiting, -	120 00
10,	To amount received from Chapman's Theatre, -	China Washman \$48, Z. Paulester \$20, and Andrew Turner, -	
18,	To 45 ozs. gold dust at \$17 50 per oz., which, when cleaned here, amounted to 44 ozs. 8 dwts. and at \$17 25, -	M. H. Bond, -	218 00
	To Coin from State Treasurer, -	Charles M. Weber, -	50 00
	To \$5,681 35 in Civil Warrants--converted same into bonds, which last were sold at 75 cents on the dollar, and produced -	"Stockton Foundry," John M. Birdsell, -	750 00
		Rea & Barnes, two accounts, -	24 00
		Franco Teresa \$200, Mrs. Masters \$300, -	61 00
		Jno. Gross, Stockton Bakery, in part of his account, for \$788 66 Thompson & Co., in part of their account for \$492, -	500 00
		Frye & Moore, two accounts, -	300 00
		S. C. Grove & Co., -	200 00
30,		Dr. R. K. Reid, in part of his account for \$1,000, -	44 00
		Cash retained in part of my salary, \$500 per quarter, -	360 42
			900 00
			400 00
	Amount carried forward, -	Amount carried forward, -	\$4,177 42

Amount carried forward, - \$7,793 46

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

DR.		CR.	
1852.	Amount brought forward, -		
		Amount brought forward, -	\$4,177 42
		Nov. 30, By my account for expenses to Val-	
		lejo, thence to San Francisco	
		and return, and express account	
		\$10, - - -	48 75
			<hr/>
		Nov. 30, Balance,	\$4,226 17
			3,567 29
			<hr/>
			\$7,793 46

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

DR.

1852.			
Nov. 30, Balance on hand,	-	\$3,567	27
Dec. 14, Cash received from the State Treasurer by check on Palmer, Cook & Co.,	-	421	46
14, To Comptroller's State Civil War-rants on the General Fund, No. 566, for \$3,000, which when sold, at 69 cents per dollar, produced	-	2,070	00
14, To Comptroller's State Civil War-rants on the General Fund, No. 567, for \$2,656 70, which when sold at 69 cents per dollar, produced,	-	1,833	12
27, To amount in cash received from patients at the Hospital,	-	346	50
27, To a certificate of deposit on F. Argenti & Co. in favor of James Holmes, dated January 27th, 1852, and No. 1514, for (received from same,)	-	154	00
Amount carried forward,	-	\$8,392	35

CR.

1852.			
Dec. 1, By amount of Ferguson & Co.'s account,	-	\$41	87
1, By amount to same in part of their account, for \$549 79,	-	412	00
2, By amount to W. D. Cowan, in part of his account for \$1,066 66,	-	900	00
2, By amount to John Gross, in part of his account, for \$788 66,	-	311	52
3, By amount paid E. S. Holden & Co. in part of their account for \$89,	-	66	50
3, By amount paid P. E. Jordan & Co. in part of their account for \$389 61,	-	293	00
4, By Thompson & Co. for amount paid to their account for \$492, and in addition to \$200 paid the 20th November,	-	170	00
15, By amount paid Calvin Paige & Co.'s account,	-	35	06
15, By amount paid Ward & Vischer on their account for \$1,785 83,	-	871	46
Amount carried forward,	-	\$3,101	41

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

DR.	CR.
1851.	1852.
Amount brought forward, - \$8,392 35	Dec. 18, Amount brought forward, - \$3,101 41
	By amount paid Thompson & Co., balance in full of their account for \$492, - 122 00
	20, By amount paid China washman, - 55 00
	By amount paid Charles M. Weber, in part of his account for \$750, - 500 00
	30, By amount paid A. Creaner & Co., in part of their account for \$244, 160 00
	By amount paid M. H. Bond, for his account, - 50 00
	By amount paid Jno. Gross, balance of his account for \$788 66, \$177 14, and in part of his account for \$433 25, - 417 14
	22, By amount J. M. Birdsall's account, 50 00
	By amount paid balance E. S. Hol-don & Co's account for \$89, - 22 50
	24, By amount paid balance of Dr. Reid's account for \$1,000, - 100 00
Amount carried forward, - \$8,392 35	Amount carried forward, - \$4,578 05

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

24

DR.	CR.
1852.	1852.
Amount brought forward, -	Amount brought forward, - \$4,578 05
Dec. 25, By amount paid E. S. Holden & Co., in part of their account for \$97 50, -	Dec. 25, By amount paid E. S. Holden & Co., in part of their account for \$97 50, - 65 00
By amount paid Dr. Reid for Jno. Shepard's acc't \$320, and Manuel's account for \$150, -	By amount paid Dr. Reid for Jno. Shepard's acc't \$320, and Manuel's account for \$150, - 470 00
By amount paid same for Wm. De Silva's account \$225, Jno. Chinaman, \$150, and Mrs. M. B. Masters \$150, -	By amount paid same for Wm. De Silva's account \$225, Jno. Chinaman, \$150, and Mrs. M. B. Masters \$150, - 525 00
27, By amount paid P. E. Jordan & Co. balance of their account for \$389 61, -	27, By amount paid P. E. Jordan & Co. balance of their account for \$389 61, - 96 61
By amount paid Baldwin & Sperry, in part of their account for \$600, -	By amount paid Baldwin & Sperry, in part of their account for \$600, - 500 00
By amount retained in balance of Treasurer's account for \$500, -	By amount retained in balance of Treasurer's account for \$500, - 100 00
28, By amount paid Dr. W. D. Cowan, balance in full of his account for \$1,066 66, -	28, By amount paid Dr. W. D. Cowan, balance in full of his account for \$1,066 66, - 166 66
Amount carried forward, -	Amount carried forward, - \$6,501 32
Amount brought forward, -	Amount brought forward, - \$8,392 35
Amount carried forward, -	Amount carried forward, - \$8,392 35

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

DR.		CR.	
1852.	Amount brought forward, -		
		Amount brought forward, -	\$6,501 32
		Dec. 28, By amount paid A. Creaner & Co. balance in full of their account for \$244, -	84 00
		24, By amount paid Paige & Webster for their account, -	116 15
		31, By amount paid Jno. Gross, State Bakery, balance in full of their account for \$433 25, -	133 25
			<hr/>
		By balance, -	\$6,834 72
			1,557 63
			<hr/>
Dec. 31, 1852,	-	Dec. 31, 1852, -	\$8,392 35
			<hr/>

STOCKTON STATE HOSPITAL.

Appendix: Showing the amount of money received, and from what source, from its origin to the 29th of Nov., 1851, so that this, (Appendix,) in connection with the foregoing Exhibit, will show the entire transactions of the Hospital from its commencement.

DR.		CR.	
1851.		1851.	
July 7, To cash as per Treasurer's Report,	\$30 00	July 5, By cash paid Buffum & Co., for bill	
8, do from Theatre, three nights,	15 00	books, - - -	\$16 25
do do one night,	5 00	Aug. 15, Cash for one load of wood, - -	12 50
do do three nights,	15 00	Sept. 20, Cash paid for one sign, - -	10 00
Aug. 15, do W. H. Fobes, for exhibitions,	23 00	do bill of Rea & Barnes, - -	4 13
18, do J. B. Hardy, for two exhibitions,	10 00	Oct. 1, Amount of discount on \$2,000 of Baldwin gold coin received from the State Treasurer, - -	2 00
Sept. 30, Cash rec'd from the State Treasurer on account of the \$20,000 appropriation, - -	1,017 32	3, Cash paid on lease of Wm. Jelly, do expenses of Treasurer to San Jose to collect revenue, - -	300 00
Oct. 15, Cash rec'd as nett proceeds on sale of \$2,000 State Warrants in the \$15,000 appropriation, -	852 00	10, Cash amount of order in favor of Jeremiah Crabb, - -	61 00
Nov. 29, Cash proceeds of sale of \$1,750 of Warrants in the \$15,000 appropriation, - -	1,163 75	Cash amount of order in favor of John Batter, - -	122 50
		11, Cash amount of order in favor of John White, - -	100 00
			20 00
Amount carried forward,	\$3,131 07	Amount carried forward,	\$648 38

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

27

DR.		CR.	
1851.	Amount brought forward, -		\$648 38
Nov. 29,	Cash received of I. D. Cressy, for three nights' theatrical exhibition, 15 00		104 46
			150 00
			100 00
			200 00
			50 25
			22 00
			102 01
			192 13
			88 64
			99 42
			203 75
			<u>\$1,961 04</u>

1851. Amount brought forward, - \$3,131 07
Nov. 29, Cash received of I. D. Cressy, for
three nights' theatrical exhibition, 15 00

\$3,146 07

LUNATIC ASYLUM IN ACCOUNT WITH THE STOCKTON STATE HOSPITAL.

DR.		CR.	
1851.		1851.	
Oct. 16, To amount of A. C. Baine's account,	\$24 50	Oct. 16, By cash to the credit of the Stockton State Hospital, the full amount charged for the gold dust by the State Treasurer, say 99 ozs. at \$17 50 per oz.,	\$1,723 82
19, To amount of J. Tabor's account, -	144 00		
13, To amount paid Baldwin & Gardner's account, -	600 00		
9, To amount paid John M. Birdsall's account, -	55 00		
To amount W. C. Bradley's account, -	100 00		
do Frank's account, -	50 00		
6, To amount Jo. Alexander's account, -	77 50		
Nov. 3, 1852, -	<u>\$1,051 00</u>		
1852.			
To half of Whiting's account, -	60 00		
To half of Rea & Barnes' account, -	30 50		
To Goodrum's account entire, -	14 00		
To Foundry's, (J. M. Birdsall's,) entire, -	24 00		
To Mariah Liley's account entire, -	250 00		
To Andrew Turner's account entire, -	150 00		
Groves & Co., account entire, -	360 42		
To Frye & Moore's account entire, -	17 00		
To Ferguson & Co.'s account entire, -	41 87		
Amount carried forward, -	<u>\$947 79</u>	Amount carried forward, -	<u>\$1,723 82</u>

LUNATIC ASYLUM IN ACCT WITH THE STOCKTON STATE HOSPITAL—CONTINUED.

1852.	DR.		CR.	
			Amount brought forward,	
Oct. 6,	Amount brought forward,	\$947 79		\$1,723 32
	To half of Ferguson & Co.'s account for \$549 79,	-		
	To half of Holden & Co.'s account for \$89,	279 89		
	To half of Butcher's bill, estimated at \$600,	49 50		
		300 00		
Nov. 30, 1852,		\$1,576 98		
Add amount Nov. 3,		1,051 00		
		<u>\$2,627 98</u>		
Dec. 1,	To half the <i>actual</i> amount of the Butcher's bill, (\$1,785 83,) less \$300 before charged by estimate,	592 91½		
	To half Dr. W. D. Cowan's acc't,	533 33		
	To China Washerman's account,	48 00		
	To half of Dr. R. K. Reid's account,	500 00		
	To half of State Bakery's (\$788 66)			
	John Gross account,	394 33		
	To half of M. H. Bond's account,	25 00		
	To half of Mrs. M. B. Master's account,	150 00		
		<u>\$4,871 55½</u>		
	Amount carried forward,	-	Amount carried forward,	\$1,723 32

LUNATIC ASYLUM IN ACCT WITH THE STOCKTON STATE HOSPITAL—CONTINUED.

DR.		CR.	
1852.		1852.	
	Amount brought forward, \$4,871 55½		Amount brought forward, \$1,723 32
Dec. 1,	To half of Calvin Paige & Co.'s account, - 17 33		
	To P. E. Jordan & Co.'s account, 389 61		
	entire, - - -		
	<u>\$5,278 69</u>		
Dec. 14,	To half of State Bakery's \$433 25		
	John Gross account, - 216 62½		
	To half M. H. Bond's account, 25 00		
	To A. Creaner & Co.'s bill entire, 244 00		
	To half China washerman's (\$55) account, - 27 50		
	To Baldwin & Sperr's account entire, - 600 00		
	To half of Paige & Webster's bill (\$49 75,) - 24 87½		
	To half of Ferguson & Co.'s bill (\$147 18) - 73 59		
	To half of do entire, 21 00		
	To Maish & Boon's bill entire, 12 00		
	To half of A. C. Baine's (\$48 75,) 24 37½		
	<u>Amount carried forward, - \$6,557 66</u>		<u>Amount carried forward, - \$1,723 32</u>

LUNATIC ASYLUM IN ACCT WITH THE STOCKTON STATE HOSPITAL—CONTINUED.

DR.		CR.	
1852.		1852.	
Dec. 1,	Amount brought forward, \$6,557 66		Amount brought forward, \$1,723 32
	To half of Paige & Webster's (\$116 15) account, - 58 07½		
	To Granville & Hosmer's entire, 43 00		
	To John Sheppard's entire, 320 00		
	To Manuel's entire, - 150 00		
	To half Mrs. M. B. Masters' (\$150,) - 75 00		
	To half of A. C. Baine's, (\$500,) 250 00		
	<u>\$7,486 48½</u>		
			By balance due the Hospital on accounts, drawn for on, and prior to 14th December, 1852, \$5,763 16
			<u>\$7,486 48</u>

THE TRUSTEES OF THE STOCKTON STATE HOSPITAL IN ACCT WITH THE STATE FOR FUNDS TO MEET THE LUNATIC ASYLUM.

DR.	CR.
1852.	1852.
Oct. 16, To Comptroller's Warrant No. 374, for \$5,000, drawn on the Civil (General) Fund, sold at 80 cents per dollar, - - - \$4,000 00	Oct. 24, By sale of Warrant No. 374, and payment of the amount of the proceeds to H. M. Smith, the contractor, - - - \$4,000 00
Nov. 18, To Comptroller's warrant for the sum of \$2,500, drawn on the Civil Fund as aforesaid, and con- verted into State Bonds for \$2,- 500—\$2,000 of which were sold on the 27th of November, 1851, at 77 cents on the dollar, pro- ducing - - - 1,540 00	Nov. 27, By sale of \$2,000 of the Bonds at 77 cents on the dollar, and pay- ment of the amount produced to H. M. Smith, the contractor, 1,540 00
29, And \$500 of same sold on the 29th of November, at 75 cents on the dollar, and produced - 375 00	29, By sale of \$500 of the Bonds at 75 cents on the dollar, and pay- ment of the sum produced to H. M. Smith, the contractor, 375 00
<hr/> \$5,915 00	<hr/> \$5,915 00
Amount of Warrants drawn for the erection of the Asylum, say, \$7,500 00	
Amount produced from their sale, - 5,915 00	
Difference, - - - - -	\$1,585 00

An account of Warrants drawn in favor of the Stockton State Hospital, as shown by the Treasurer's Books, with the amount produced from their sale, all of which appears from the foregoing Exhibit. The amount drawn for the erection of the Asylum being excluded therefrom, as that account explains itself in this respect at a glance.

5

Amount produced from sale,		1851, Oct. 15, Warrants drawn,	
do	\$852 00	Nov. 29, do	\$2,000 00
do	1,163 75	1852, Jan. 17, do	1,750 00
do	1,000 00	June do	2,000 00
do	1,000 00	Aug. do	1,250 00
do	3,825 00	Nov. do	4,240 00
do	4,261 02	Dec. do	5,681 35
do	2,070 00	Dec. do	3,000 00
do	1,833 12	do	2,656 70
	<hr/>		
	\$16,004 89		
	6,583 16		
	<hr/>		
Difference,	\$22,588 05		\$22,588 05

RECAPITULATION,

Showing the entire amount received by the Hospital, in cash, from all sources, excluding therefrom the amount received for the erection of the Lunatic Asylum.

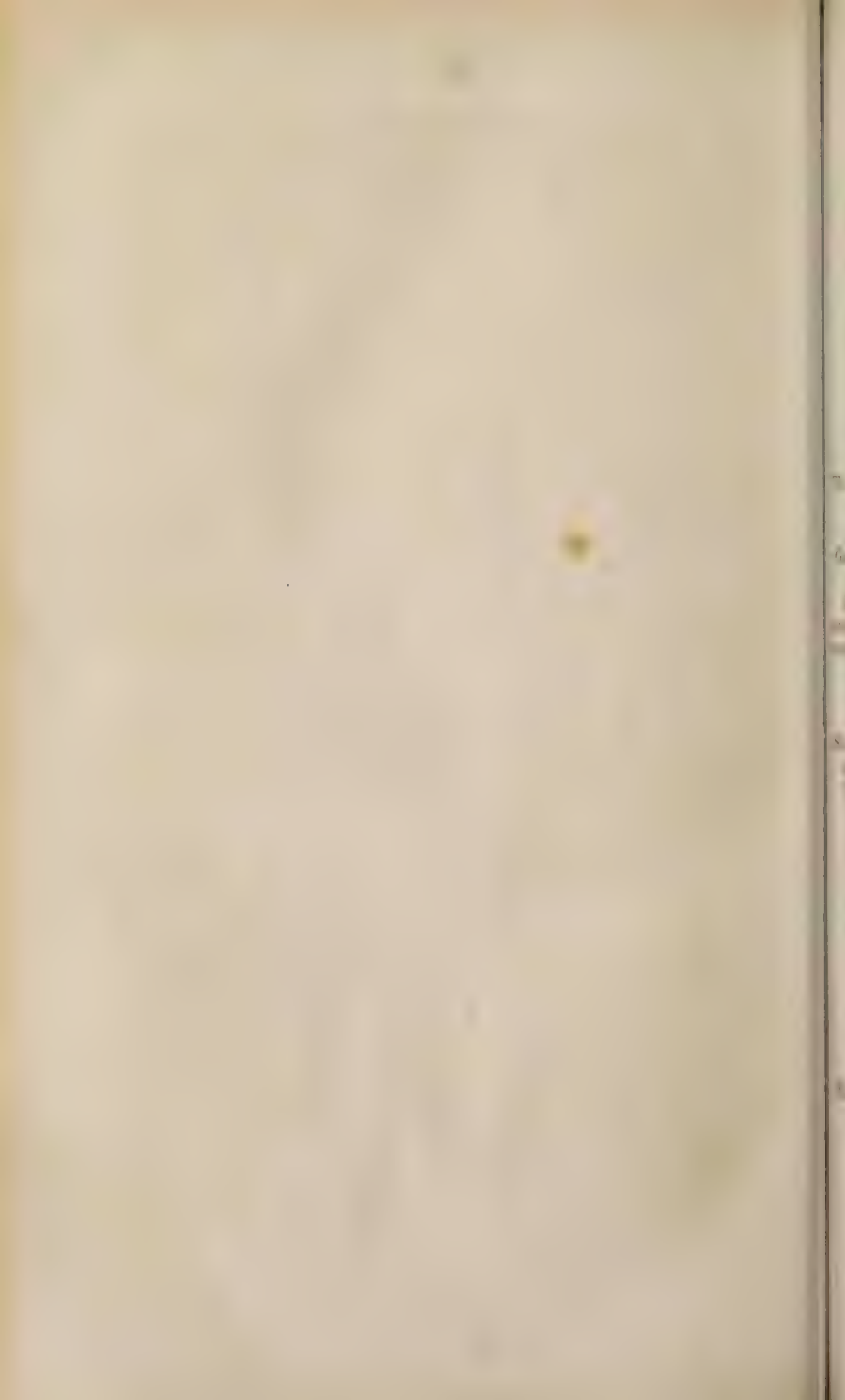
Cash received by W. A. Root, Treasurer,	\$29,611 41	Cash paid out by W. A. Root, Treasurer	\$29,611 41
Am't received by A. C. Baine, Treasurer,	14,448 36	say, - - -	-
	<hr/> 44,059 77	Less, - - -	-
Add deficiency in warrants, - -	6,583 16		<hr/> 27,865 18
	<hr/> 50,642 93	Cash paid out by A. C. Baine, Treasurer,	14,948 86
Deduct amount received before 1st of January, 1852, say, - -	6,641 00	Less the balance in hand, say -	1,557 63
	<hr/> 44,001 93		<hr/> \$13,391 23
To show the transactions for the year '52, deduct deficiency by W. A. Root,	1,746 23		
	<hr/> 42,255 70		
Deduct deficiency in warrants received, to show cash actually received in '52,	4,848 91		
	<hr/> \$37,406 79		
Amount carried forward,			

N. B. The amount received on the 27th December, is added on this page to the sum of \$14,448 36, stated on the other page to have been received by Baine, Treasurer, which accounts for the difference in the two sums.

RECAPITULATION—CONTINUED.

Amount brought forward,	\$37,406 79
Add amount received from patients on 27th December, in cash,	346 50
And in a certificate of deposit on F. Ar- genti & Co.,	154 09
	<hr/>
	\$37,907 29

N. B. This statement was prepared before the 27th of Dec., and this accounts for the additions received on that day.



APPENDIX B.

TO THE TRUSTEES OF THE STATE HOSPITAL AND INSANE ASYLUM.

Gentlemen :

In compliance with the fourth section of an Act of the Legislature creating the Stockton Hospital, the Resident Physician submits his "Second Annual Report."

TABLE I.

Shows the whole number of persons admitted ; the number of discharges and deaths, from January 1, 1852, to December 31, 1852, and the number at present in the Hospital.

Number in Hospital Jan. 1, 1852,	-	-	-	23
" admitted since "	-	-	-	1041
Total,	-	-	-	1064
Number of discharges,	-	-	-	919
" deaths,	-	-	-	40
" remaining Dec. 31,	-	-	-	105

TABLE II.

Shows the different diseases of patients and the number of cases.

Abscess,	-	-	-	-	-	-	6
Amaurosis,	-	-	-	-	-	-	2
Amenorrhœa,	-	-	-	-	-	-	3
Ascites,	-	-	-	-	-	-	11
Asthma,	-	-	-	-	-	-	4
Bronchitis,	-	-	-	-	-	-	6

Burns,	-	-	-	3
Cholera Morbus,	-	-	-	21
Constipation,	-	-	-	2
Cystitis,	-	-	-	1
Debility, general,	-	-	-	8
Delirium Tremens,	-	-	-	24
Diarrhœa,	-	-	-	35
Dysentery,	-	-	-	54
Dislocation,	-	-	-	6
Dyspepsia,	-	-	-	3
Erysipelas,	-	-	-	10
Fever, Intermittent,	-	-	-	176
" Remittent,	-	-	-	73
" Continued,	-	-	-	14
" Congestive,	-	-	-	4
" Typhoid,	-	-	-	42
" Panama,	-	-	-	32
" Puerperal,	-	-	-	2
Fistula in Ano,	-	-	-	4
" Lachrymalis,	-	-	-	2
Fractures,	-	-	-	4
Gastralgia,	-	-	-	4
Gastritis,	-	-	-	20
Gonorrhœa,	-	-	-	30
Heart, Disease of,	-	-	-	5
Hemiplegia,	-	-	-	2
Hemorrhage,	-	-	-	2
Hemorrhoids,	-	-	-	10
Hepatitis,	-	-	-	5
Hernia,	-	-	-	3
Hydrocele,	-	-	-	4
Influenza,	-	-	-	5
Insanity,	-	-	-	124
Jaundice,	-	-	-	4
Laryngitis,	-	-	-	5
Meningitis,	-	-	-	5
Nephritis,	-	-	-	2
Orchitis,	-	-	-	4
Ophthalmia,	-	-	-	22
Parelysis,	-	-	-	6
Paronychia,	-	-	-	14
Parotitis,	-	-	-	5
Phthisis,	-	-	-	7
Pneumonia,	-	-	-	25
Poison,	-	-	-	13
Ptyalism	-	-	-	4
Rheumatism,	-	-	-	32
" Syphilitic,	-	-	-	5
Scorbutus,	-	-	-	6

Scrofula,	-	-	-	-	2
Skin, disease of,	-	-	-	-	24
Stricture,	-	-	-	-	7
Syphilis,	-	-	-	-	16
" Secondary,	-	-	-	-	30
Ulcers,	-	-	-	-	19
Uvula, Elongated,	-	-	-	-	2
Variola,	-	-	-	-	2
Wounds, Incised,	-	-	-	-	42
" Contused,	-	-	-	-	15
" Gun-shot,	-	-	-	-	8

TABLE III.

Shows the nativity of patients, and the whole number from each State and Foreign Country.

AMERICANS, -	-	-	-	-	582
Maine,	-	-	-	-	24
New Hampshire,	-	-	-	-	14
Vermont,	-	-	-	-	11
Massachusetts,	-	-	-	-	46
Rhode Island,	-	-	-	-	6
Connecticut,	-	-	-	-	12
New York,	-	-	-	-	100
New Jersey,	-	-	-	-	6
Pennsylvania,	-	-	-	-	41
Delaware,	-	-	-	-	3
Maryland,	-	-	-	-	22
Virginia,	-	-	-	-	25
North Carolina,	-	-	-	-	7
South Carolina,	-	-	-	-	8
Georgia,	-	-	-	-	14
Alabama,	-	-	-	-	9
Mississippi,	-	-	-	-	7
Florida,	-	-	-	-	4
Louisiana,	-	-	-	-	19
Texas,	-	-	-	-	16
Arkansas,	-	-	-	-	12
Tennessee,	-	-	-	-	12
Kentucky,	-	-	-	-	13
Missouri,	-	-	-	-	35
Ohio,	-	-	-	-	24
Indiana,	-	-	-	-	13
Illinois,	-	-	-	-	30
Michigan,	-	-	-	-	8
Iowa,	-	-	-	-	5
Wisconsin,	-	-	-	-	3

District of Columbia,	-	-	-	1
California,	-	-	-	19
FOREIGNERS,	-	-	-	459
England,	-	-	-	56
Ireland,	-	-	-	69
Scotland,	-	-	-	19
France,	-	-	-	43
Spain,	-	-	-	4
Germany,	-	-	-	39
Wales,	-	-	-	1
Austria,	-	-	-	4
Prussia,	-	-	-	5
Sweden,	-	-	-	7
Norway,	-	-	-	3
Denmark,	-	-	-	2
Portugal,	-	-	-	2
Italy,	-	-	-	7
Turkey,	-	-	-	2
Sicily,	-	-	-	1
Poland,	-	-	-	2
Mexico,	-	-	-	107
Canada,	-	-	-	6
Nova Scotia,	-	-	-	2
New Granada,	-	-	-	6
Central America,	-	-	-	4
Sandwich Islands,	-	-	-	4
Peru,	-	-	-	9
Chile,	-	-	-	15
China,	-	-	-	8
Hindustan,	-	-	-	15
Brazil,	-	-	-	2
Australia,	-	-	-	4
Buenos Ayres,	-	-	-	2

IV.

Shows the residence of each patient at the time of admission.

Butte,	-	-	-	2
Calaveras,	-	-	-	198
Colusi,	-	-	-	2
Contra Costa,	-	-	-	27
El Dorado,	-	-	-	14
Los Angeles,	-	-	-	10
Mariposa,	-	-	-	145
Monterey,	-	-	-	12
Napa,	-	-	-	2
Nevada,	-	-	-	5

Placer,	.	.	.	.	3
Sacramento,	.	.	.	.	40
Shasta,	.	.	.	.	4
Sierra,	.	.	.	.	3
San Diego,	.	.	.	.	2
San Francisco,	.	.	.	.	117
San Joaquin,	.	.	.	.	156
Santa Clara,	.	.	.	.	12
Solano,	.	.	.	.	7
Siskiyou,	.	.	.	.	1
Tulare,	.	.	.	.	8
Tuolumne,	.	.	.	.	188
Yolo,	.	.	.	.	4
Yuba,	.	.	.	.	5
Plains,	.	.	.	.	65

TABLE V.

Diseases which proved fatal.

Panama Fever,	.	.	.	2
Typhoid “	.	.	.	6
Congestive “	.	.	.	1
Puerperal “	.	.	.	1
Disease of Heart,	.	.	.	1
“ Spine,	.	.	.	1
Diarrhœa, Chronic,	.	.	.	6
Dysentery, “	.	.	.	4
Gun-Shot Wound,	.	.	.	1
Pneumonia,	.	.	.	2
Epilepsy,	.	.	.	1
Erysipelas,	.	.	.	1
Paralysis,	.	.	.	2
Marasmus,	.	.	.	2
Meningitis,	.	.	.	1
Acute Mania,	.	.	.	1
Delirium Tremens,	.	.	.	4
Ascites,	.	.	.	3

TABLE VI.

Shows the native place of those who died.

AMERICAN,	.	.	.	20
Maine,	.	.	.	2
Massachusetts,	.	.	.	1
Rhode Island,	.	.	.	2
New York,	.	.	.	6

New Jersey,	.	.	.	.	1
Pennsylvania,	.	.	.	.	1
Virginia,	.	.	.	.	1
Kentucky,	.	.	.	.	1
Mississippi,	.	.	.	.	1
Missouri,	.	.	.	.	1
Arkansas,	.	.	.	.	1
Ohio,	.	.	.	.	1
California,	.	.	.	.	1
FOREIGN,	.	.	.	.	20
England,	.	.	.	.	2
Ireland,	.	.	.	.	2
Scotland,	.	.	.	.	2
France,	.	.	.	.	3
Norway,	.	.	.	.	1
Sweden,	.	.	.	.	1
Mexico,	.	.	.	.	6
Chile,	.	.	.	.	2
Spain,	.	.	.	.	1

It will be observed by the preceding and following tables, that the population of California is afflicted with almost every form and variety of disease, although the climate is probably more healthy, and the temperature more equable than that of any other country. This is attributable chiefly to the manner of living, the unwholesome diet, the occupation and the exposure of the great mass of the people. In the central portion of the State intermittent and remittent fevers are the prevailing epidemic diseases. These, however, readily yield to prompt, judicious and energetic treatment. Within the past year the small pox and erysipelas exhibited themselves epidemically through the whole range of the southern mining counties, with great virulence and alarming fatality. The cases of cholera were in reality little else than violent cholera-morbus. Most of them had their origin in excesses and indiscretions in diet and drinking—few cases proved fatal. The Chronic forms of diarrhœa and dysentery, are our most dangerous and unmanageable diseases.

A large number of those admitted had just arrived in the country, after a tedious and protracted journey across the plains, or from Mexico, debilitated, exhausted and diseased, without employment and without means, proper objects of our interest and compassion.

The majority of those received from San Francisco were brought into the country by the Pacific steamers, and were generally ill with dysentery, diarrhœa, and Panama or typhoid fever.

The large and populous mining counties of Calaveras, Tuolumne and Mariposa, have contributed their full share to increase our numbers, while many of the more southern counties have been well represented.

We trust, however, that with our accumulated labors and great responsibility, we have faithfully and successfully performed our duty to our patients and ourselves, to you, and to the State.

INSANE DEPARTMENT.

By an Act of the last Legislature, all the Insane of the State were ordered to be placed under the charge of the officers of this Hospital. The treatment and attention necessarily bestowed on these numerous and unfortunate persons have greatly increased our labors, and added much to our responsibilities.

This additional report on the movements and condition of this department has been prepared at the suggestion of the Board of Trustees, for the information of the members of the Legislature.

It is almost impossible to define the term insanity so as to include every case, or embrace every variety of disease. "Some definitions are so narrow and contracted as to set at liberty one-half the inmates of the Lunatic Hospitals, while others are so loose and capacious as to give a straight jacket to half the world." It is however, a disease of the brain, which produces a derangement of the moral and intellectual faculties, changes the affections, the sentiments and the propensities of the individual—frequently induces a partial and often a total deprivation of memory and understanding. It renders the person irresponsible for his actions, and acquits him of crime. He becomes an unmanageable charge on his family, distrustful of his friends, and in many instances dangerous to the community.

Statistical Tables, Remarks, &c.

TABLE I.

Showing the whole number of admissions, discharges and deaths, from May 14, 1852, to December 31, 1852.

		Males.	Females.	Total.
Number of admissions,	.	113	11	124
" discharges,	.	47	3	50
" deaths,	.	9	1	10
" escaped,	.	2	—	2
" remaining,	.	57	7	62

Within the space of seven and a half months no less than one hundred and twenty-four cases of insanity have been sent to this Hospital for treatment. One hundred and thirteen were males and eleven were females. Sixty-two cases are still in the Hospital; fifty-five males and seven females.

TABLE II.

Showing the different forms of insanity and manner of classification.

Acute mania,	.	.	.	.	.	35
Chronic "	.	.	.	.	.	10

Acute Dementia,	.	.	.	18
Chronic do.	.	.	.	14
Melancholia,	.	.	.	12
Paroxyunal Mania,	.	.	.	8
Epileptic do.	.	.	.	5
Puerperal do.	.	.	.	2
Mono-Mania,	.	.	.	10
Do. suicidal,	.	.	.	2
Do. homocidal,	.	.	.	4

By a proper system of classification but few insane persons will be found unable to engage in some kind of labor or amusement, although no system has yet been devised which will include every case.

Acute Mania.—In this class are found the most violent, furious and dangerous characters. They are usually brought to us in an irritable and excited condition, bound in chains and manacles, and clothed in filth and rags. The general treatment is a thorough cleansing, a gentle cathartic, a liberal use of stimulants and a nourishing diet, then follow chalybeates, quiet and repose. Depletion is rarely indicated, as the excitement merely marks the real debility.

Acute Dementia.—This is a low stage of mental degradation. Here are seen the quiet and the imbecile, the laughing and the idiotic. No exhibition of human agony and suffering is more affecting than a group of this class. Restoration occurs only in recent cases. When the disease becomes chronic, recovery is altogether hopeless. The mental activity and physical sensibility have gradually decayed, and will soon become entirely obliterated.

Mono-Mania.—In this class are placed those who are deranged on one or a limited number of subjects. Their intellectual faculties are not much disturbed, but their dispositions and affections are perverted and changed. They usually run a short course and terminate favorably.

Epileptic Mania.—This is a periodical disease, characterized by convulsions, a loss of consciousness and the want of sensibility. The prognosis is unfavorable, the organic cause not being well understood. Five cases of this form have been admitted.

Melancholia.—In this group are found the depressed, the sullen and the morose. Those who are careless and weary of life. The vast number of suicides of daily occurrence, is furnished by this class.

TABLE III.

Showing the supposed causes of insanity.

Physical causes.

Intemperance,	.	.	.	12
Dissipation and exposure,	.	.	.	8
Masturbation,	.	.	.	9
Disease of Spine,	.	.	.	1
Coup de Soliel,	.	.	.	2

Effect of Poison,	.	.	.	.	1
Ill Health,	.	.	.	.	12
Epilepsy,	.	.	.	.	5
Puerperal,	.	.	.	.	2
Seduction,	.	.	.	.	2

Moral causes.

Religion,	.	.	.	.	3
Jealousy,	.	.	.	.	2
Fear and Grief,	.	.	.	.	3
Loss of Property,	.	.	.	.	4
Intense application,	.	.	.	.	2
Disappointment, &c.,	.	.	.	.	14
Neglect of Husband,	.	.	.	.	1
Desertion of Mistress,	.	.	.	.	1
Domestic trouble,	.	.	.	.	8
Desertion of Wife,	.	.	.	.	4
Unknown,	.	.	.	.	28

The causes of insanity, whether predisposing or exciting, moral or physical, deserve particular attention. Unfortunately most of our patients were brought to us by constables, sheriffs, police officers or other persons, who knew nothing of the cases or their previous history. The preceding table is merely a record of information obtained from friends and acquaintances, and occasionally from the individuals themselves. In some instances this has been quite satisfactory, in others no reliance whatever could be placed upon it.

Intemperance occupies a prominent place in our list of causes. Its moral and physical effects are witnessed in the wearing out of the nervous system, the destruction of the moral sensibility, the approach of delirium sometimes accompanied with paralysis, and terminating in confirmed insanity.

Masturbation is frequently a cause and often a consequence of insanity. Nine cases in our table are attributable to this injurious and disgusting vice. Some have been addicted to the practice for a series of years, even from youth. Their mental and physical powers have gradually decayed, and dementia, the lowest state of human existence, slowly supervenes.

In these cases we rely on the usual anti-aphrodisiac medicines, as conium, camphor, belladonna, dulcamara, the tincture of the muriate of iron, the cauterization of the prostate gland and blistering with cantharides.

Disappointment and failure in business have produced mental derangement in fourteen cases. This is not at all singular considering the rapid fluctuations in trade and commerce, the many unsuccessful speculations in mining, and the repeated losses sustained by floods and conflagrations, throughout the entire State.

Ill Health.—This indefinite and general term includes a variety of diseases, and has been the assignable cause of twelve cases recorded in our table.

Domestic trouble.—This ranks high among the moral causes. The separation of friends and relations, the sundering of domestic ties, the trials, the griefs and the dissensions of the social state, all come under this head and are a fruitful source of mental alienation.

Unknown.—Under this head we are compelled to place a large number, not being able to discover any assignable cause, the individuals and their history being entirely unknown.

TABLE IV.

Showing the nativity of 124 patients.

AMERICANS,	-	-	-	-	63
Maine,	-	-	-	-	4
New Hampshire,	-	-	-	-	1
Massachusetts,	-	-	-	-	2
Rhode Island,	-	-	-	-	1
Connecticut,	-	-	-	-	3
New York,	-	-	-	-	10
New Jersey,	-	-	-	-	1
Pennsylvania,	-	-	-	-	3
Delaware,	-	-	-	-	1
Maryland,	-	-	-	-	2
Ohio,	-	-	-	-	3
Indiana,	-	-	-	-	4
Kentucky,	-	-	-	-	2
Tennessee,	-	-	-	-	2
Virginia,	-	-	-	-	5
North Carolina,	-	-	-	-	2
South Carolina,	-	-	-	-	1
Georgia,	-	-	-	-	4
Mississippi,	-	-	-	-	1
Missouri,	-	-	-	-	1
Louisiana,	-	-	-	-	2
Arkansas,	-	-	-	-	1
Texas,	-	-	-	-	1
California,	-	-	-	-	4
FOREIGNERS,	-	-	-	-	61
England,	-	-	-	-	10
Ireland,	-	-	-	-	10
Scotland,	-	-	-	-	7
France,	-	-	-	-	12
Spain,	-	-	-	-	1
Italy,	-	-	-	-	1
Germany,	-	-	-	-	5
Denmark,	-	-	-	-	1
Norway,	-	-	-	-	1
Poland,	-	-	-	-	2

Russia,	.	.	.	.	1
Prussia,	.	.	.	.	1
Chile,	.	.	.	.	5
Mexico,	.	.	.	.	4

Twenty-five States of the American Union and fourteen foreign countries are here represented : of the former, New-York and Virginia sent the largest number—of the latter, France and England.

TABLE V.

Showing the residence of each patient at the time of admission.

Butte,	.	.	.	.	2
Calaveras,	.	.	.	.	10
Contra Costa,	.	.	.	.	2
El Dorado,	.	.	.	.	9
Napa,	.	.	.	.	1
Nevada,	.	.	.	.	3
Mariposa,	.	.	.	.	4
Monterey,	.	.	.	.	2
Placer,	.	.	.	.	3
Sacramento,	.	.	.	.	26
San Joaquin,	.	.	.	.	14
San Francisco,	.	.	.	.	34
Santa Clara,	.	.	.	.	2
Solano,	.	.	.	.	2
Siskiyou,	.	.	.	.	1
Tuolumne,	.	.	.	.	5
Yolo,	.	.	.	.	2
Yuba,	.	.	.	.	2

The large number attributed to San Francisco, Sacramento and San Joaquin, did not originate in those places. They most probably congregated there from other portions of the State.

TABLE VI.

Showing the relation of Insanity and occupation.

Merchant,	.	.	.	.	5
Trader,	.	.	.	.	3
Clerk,	.	.	.	.	3
Teacher,	.	.	.	.	1
Preacher,	.	.	.	.	1
Artist,	.	.	.	.	2
Druggist,	.	.	.	.	1
Painter,	.	.	.	.	2

Baker,	.	.	.	.	6
Cook,	.	.	.	.	4
Mason,	.	.	.	.	2
Saddler,	.	.	.	.	1
Farmer,	.	.	.	.	7
Laborer,	.	.	.	.	6
Soldier,	.	.	.	.	6
Sailor,	.	:	.	.	2
Tailor,	.	.	.	.	2
Peddler,	.	.	.	.	1
Gambler,	.	.	.	.	2
Printer,	.	.	.	.	1
Distiller,	.	.	.	.	1
Lithographer,	.	.	.	.	1
Engraver,	.	.	.	.	1
Lawyer,	.	.	.	.	1
Butcher,	.	.	.	.	1
Miner,	.	.	.	.	38
Carpenter,	.	.	.	.	6
Gardener,	.	.	.	.	2
Arriaro,	.	.	.	.	2
Vaquero,	.	.	.	.	2
Silversmith,	.	.	.	.	1
Blacksmith,	.	.	.	.	4
Sail Maker,	.	.	.	.	1
Cabinet Maker,	.	.	.	.	2
No occupation,	.	.	.	.	12

It is difficult to determine what influence the different occupations of life exert on the development of insanity. Nothing applicable on broad and general principles has yet been deduced from these tables.

TABLE VII.

Showing the civil condition and the relation of celibacy and marriage to insanity.

	MALES.	FEMALES.	TOTAL.
Married,	27	5	32
Widowed,	14	3	17
Unmarried,	72	3	75

The influence which marriage exerts on diseases of the mind, has long been a subject of investigation and inquiry. In the preceding table the difference between the married and unmarried is very great, but probably not greater than the disproportion of the sexes.

TABLE VIII.

Showing the different ages at which insanity commenced.

	MALES.	FEMALES.	TOTAL.
Between 10 and 20 years,	7	2	9
" 20 and 30 "	39	7	46
" 30 and 40 "	43	1	44
" 40 and 50 "	15	1	16
" 50 and 60 "	8	—	8
" 60 and 70 "	1	—	1

What period of life furnishes the greatest number of insane persons has not yet been determined. It appears, however, to be a disease of mature years, as youth and advanced age have only a few representatives in the preceding table.

Mania is more peculiar to youth, melancholia to manhood, and dementia to old age. From 25 to 35 years is probably the period most favorable to the development of insanity. The average age of the whole number admitted was only 33½ years. The extremes were 18 and 66 years.

TABLE IX.

Diseases which proved fatal.

Acute Mania,	-	-	-	1
Delirium Tremens,	-	-	-	1
Disease of Spine,	-	-	-	1
Meningitis, -	-	-	-	1
Marasmus,	-	-	-	2
Dysentery,	-	-	-	2
Epilepsy,	-	-	-	1
Puerperal,	-	-	-	1

The average age of those who died was only 30½ years. Insanity consumes the vital power very rapidly. The mortality depends on many local circumstances, and is very much modified by the position and arrangement of the Hospital; by the regimen, the medical treatment, and general supervision of the establishment. It is estimated that four-fifths of all recent cases are curable, while scarcely one-tenth of the chronic cases recover.

The treatment of the insane is, in a great measure, one of a moral character. They are frequently aware of their inclination to commit injury upon themselves and others, but are utterly incapable of resisting or controlling the impulse. Formerly those afflicted with this malady were subjected to the strictest confinement—chained, manacled, and treated in the most cruel and inhuman manner. Under a later, more enlarged and enlightened experience, it has been found more judicious and beneficial to dispense with those barbarous measures, which only aggravated and con-

firmed the evil. By abstaining from violence, or any manifestation of passion—by gentleness and sympathy, combined with decision and firmness—by acceding to their reasonable desires, and cultivating their feelings of self-respect, many have been rescued from an unhappy fate, and restored to their friends and society perfectly recovered. The provision made at the last session of the Legislature was entirely insufficient, inappropriate and unworthy the present state of knowledge in the treatment of mental diseases. It furnished a mere receptacle, a place of confinement, a great custodial mad-house, for their safe keeping and security; and but few of the appliances absolutely necessary for their convenience, their comfort, or their successful treatment.

In consequence of these limited accommodations the recent and confirmed cases, the tranquil and the excited, the maniac, the melancholic and the demented, have at different times been indiscriminately crowded together, operating very much to their physical and mental injury.

The condition of this unhappy class of persons appeals with peculiar and accumulating force in this country, where some of the causes exist in a higher degree than elsewhere—homeless, friendless, and entirely dependent upon the public benevolence for care and attention. It addresses our representatives with the strongest reasons to make some more adequate provision for their maintenance, and the application of such means as will probably secure their restoration to health, and the ability to perform the duties and pursue the ordinary avocations of life. Could those upon whom rests the obligation to provide for their urgent necessities witness their wretchedness, and at the same time reflect that it is one of those sad calamities to the invasion of which all are liable, that it can be treated with but little success in civil practice, and that its victims if not early rescued, will be condemned to certain and hopeless misery—they would spare no effort to secure for such unfortunate fellow creatures the restoration of reason which constitutes the chief excellence and dignity of our nature, or at least procure some mitigation of those sufferings which are rapidly crushing them to the earth. It is an extensive and inviting field for the exhibition of their benevolence, and all that is accomplished for their benefit will be remembered with pleasure and satisfaction. Justice pleads with mercy in their behalf for sustenance and protection, which it is their duty and solemn obligation as citizens and legislators to grant. As the increased number afflicted is a consequence of the advance of civilization, it is the duty of society not only to ameliorate their condition, but it is right to compel it to diminish their number, and remedy the evil it creates. It is therefore earnestly hoped that a knowledge of their condition and misfortunes may lead to the consummation of some measures which will relieve them from their present disadvantages, and insure their permanent improvement.

In 1850 the number of insane persons in the different hospitals of England was estimated at 32,000; in France, 20,000; in the United States, 16,000; in London, 7,000; in Paris, 4,000.

In 1851, in the Massachusetts Lunatic Hospital, at Worcester, the average number of persons under treatment was 462, the number of admissions 263, the annual expenses were \$66,572, the number of attendants 67.

In the New York Lunatic Asylum at Utica, in 1851, the whole number under treatment during the year was 795; the number at the commence-

ment of the year, 429 ; the number of admissions, 366 ; the number of nurses and attendants, 88. The expenses for the year were \$81,783.

In the New Jersey State Lunatic Asylum, in 1851, the cost of completing and furnishing the building was \$153,861 ; the number of patients at the commencement of the year was 110 ; the number of admissions, 10 ; and the annual expense \$27,560. In the insane department of the Pennsylvania Hospital in Philadelphia, in 1848, the average number of patients was 199, and the expenses \$40,450. In the Pennsylvania State Hospital, opened in 1851, the number of admissions was 37, and the expenses \$32,000.

From the above statement it will be observed, that the average cost of maintaining each patient for the year 1851 was, in Massachusetts \$142, in New York \$91, in New Jersey \$128, in Philadelphia \$202, in Harrisburg \$162, and in Ohio \$54.

This is merely an estimate of the average cost of supporting each patient, exclusive of the construction and furnishing of the buildings.—Some of these States are already demanding additional hospitals, and new ones have lately gone into operation in Pennsylvania, Illinois, Kentucky, and Missouri, while North Carolina, Alabama and Mississippi are engaged in the work of erection.

At this moment the urgent wants of this State demand an Insane Hospital, sufficient for the accommodation of at least one hundred patients. Some of the requisites for such an establishment are detailed below, and are the unanimous and deliberate opinions of the superintending physicians of the American Hospitals for the insane.

1. Every hospital for the insane should be in the country, near a large town, and easily accessible at all seasons.

2. It should possess at least fifty acres of land for grounds, gardens and cultivation.

3. It should consist of a main central building with wings, should be constructed of brick or stone, and made secure from fire.

4. The main building should contain the offices, receiving rooms, and apartments for the superintending physician, &c.

5. Each wing should be divided into four or eight wards, each ward should have a parlor, a portico, bath room, and sleeping apartments for each patient.

6. All the apartments should be above ground, and none should be constructed less than eight by ten feet, and twelve feet in height.

7. Some power should be provided for raising five thousand gallons of water daily, to tanks in the attic, which will supply every part of the building.

8. A complete system of forced ventilation is absolutely necessary, and indispensable in every hospital.

9. The wards for the most excited class should be constructed on but one side of a portico, with large windows, and be well ventilated.

10. The rooms for cooking, washing, &c., should be detached from the main hospital building.

11. The drainage from the bath rooms, washing rooms, water closets, &c., should be under ground, and well secured from offensive emanations.

12. If possible the hospital grounds should be enclosed by a permanent and substantial wall, &c.

I am under many obligations to Dr. Chandler of Massachusetts, Dr. Benedict of New York, Dr. Buttolph of New Jersey, Dr. Curwen and Dr. DeWitt of Pennsylvania, who have kindly furnished me with the reports and statistics of their respective institutions for the insane. These documents arrived too late to be incorporated in this report, but they will be cheerfully furnished to any committee of the Legislature to whom these matters may be referred.

ROBERT K. REID, M. D.,
Resident Physician,
State Hospital and Insane Asylum.

Stockton, December 31, 1852.

The only persons employed about the Hospital and Asylum, and their monthly salaries, are as follows:

Hospital.

The Matron, at	.	.	.	\$150 per month.
William, at	.	.	.	75 "
John, at	.	.	.	75 "

Asylum.

Shepherd,	.	.	.	\$100 per month.
Manuel,	.	.	.	75 "

CATALOGUE

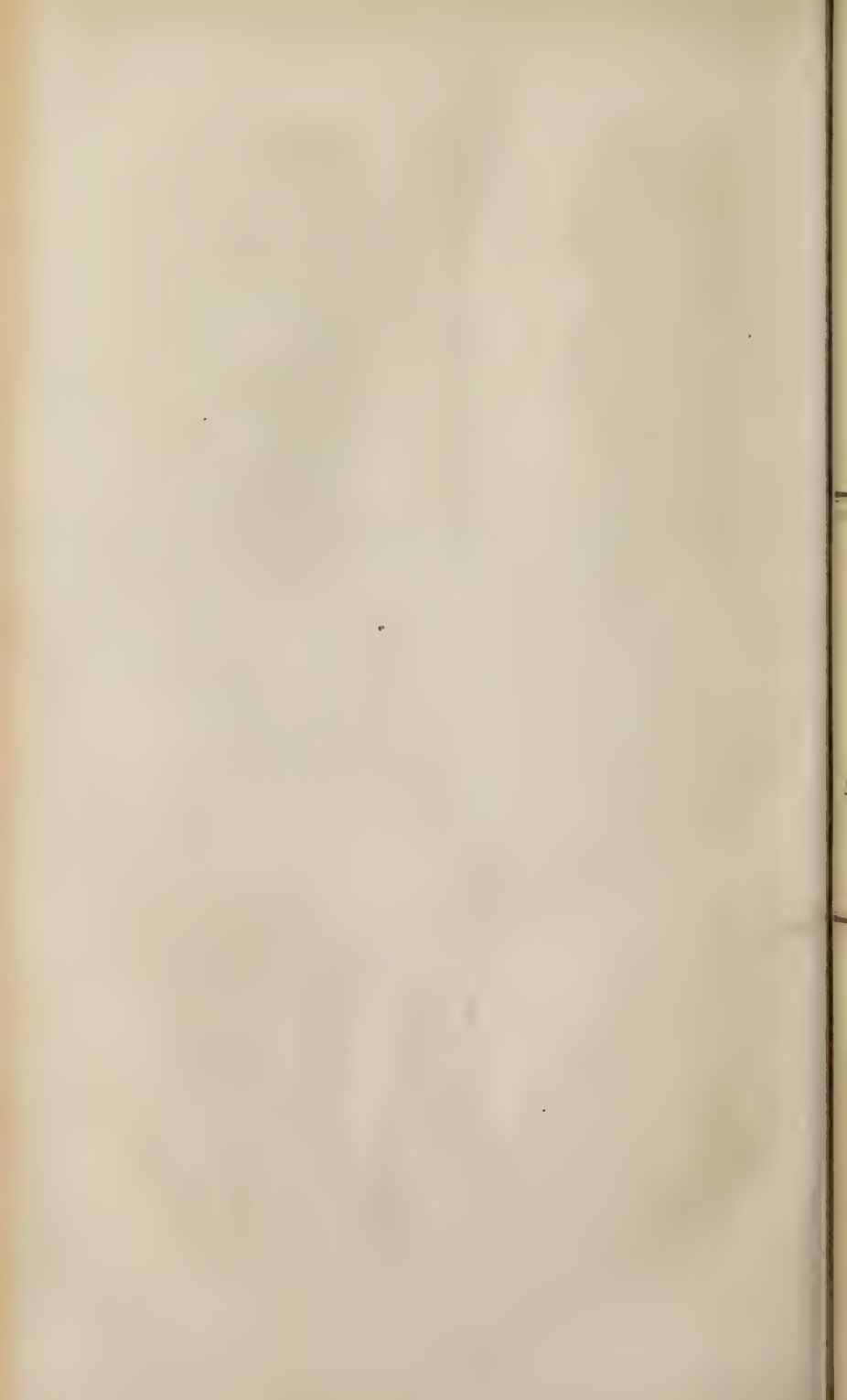
Of Patients admitted into the Insane Hospital, from May 14, 1852, to December 31, 1852.

NAME.	AGE.	NATIVITY.
Anselmo Danglede,	24	France.
Augustus Miller,	25	New Jersey.
John Campbell,	30	Ireland.
David Allen,	33	Virginia.
Thomas Brannan,	35	New York.
Andrew Caughman,	27	Tennessee.
James Clarkson,	30	New Hampshire.
Michael Bartell,	30	Connecticut.
William McDonald,	26	Texas.

NAMES.	AGE.	NATIVITY.
Albert Gallatin Sybert,	25	Virginia.
Phillip Ketler,	24	New York.
William Maconell,	34	Scotland.
Daniel Hurley,	33	Ohio.
John Newcomb,]	45	Ireland.
John Devin,	23	Ohio.
Jacob Fockler,	30	Germany.
Peter Wise,	27	do.
L. H. B. Clavie,	20	France.
J. M. Flanagan,	23	New York.
Julius Orton,	27	Massachusetts.
Robert Dymon,	50	England.
Casper Schaffer,	30	Germany.
Stephen Belary,	37	France.
Antoine Cigala,	36	do.
Papa Machicha,	25	Chile.
Jose Pastore,	22	do.
Marianna,	25	France.
Antoine Feri,	37	do.
Francisco Rivera,	26	Chile.
Frederick Taft,	26	Germany.
John B. Folsom,	25	Maine.
James McGlone,	36	Scotland.
Harrison Light,	23	Indiana.
William Beards,	35	Scotland.
Sarah Jessey,	38	Virginia.
J. P. Lefevre,	33	France.
N. K. Randall,	40	Massachusetts.
John W. Stevens,	28	Indiana.
Angus McDougal,	40	Scotland.
John Coulson,	43	Tennessee.
Jesus Leon Sotera,	18	California.
Saldado,	18	do.
N. K. Bradshaw,	34	Georgia.
Hugh Murry,	30	New York.
Robert Stewart,	32	Kentucky.
W. W. Nichols,	30	New York.
Hiram Hayward,	23	do.
Andrew Turner,	25	Scotland.
Rebecca Cohen,	27	Russia.
Jessey Shelley,	45	North Carolina.
William McDonough,	34	Scotland.
Jos. Jessen,	42	Denmark.
John Kelley,	35	Ireland.
Thomas Kelley,	66	do.
John Nicholas Peltier,	28	France.
Elijah Barnes,	30	Indiana.
William Boyuton,	28	Maine.

NAMES.	AGE.	NATIVITY.
W. R. McGlemary,	20	Virginia.
Raphael Rivera,	39	Mexico.
Bernard McManus,	28	Ireland.
George Chadwick,	27	Ohio.
John Shepherd,	25	Missouri.
Dolores Guerrero,	35	Mexico.
James Watkins,	40	Ireland.
Herman Aberhamson,	34	Norway.
Jose Jesus Beratro,	27	Mexico.
Luther Gibbs,	50	Maine.
J. B. Todd,	35	New York.
Rebecca Riftka,	28	Poland.
Jacob Hentsler,	30	Prussia,
Isaac Morier,	42	Pennsylvania.
Jim, (negro,)	25	Virginia.
George Holdsworth,	40	England.
Rosali Medina Cheney,	25	California.
Albert B. Hamilton,	28	North Carolina.
Marie Marin Moro,	22	Chile.
Frederick Summers,	50	Germany.
James Clune,	35	Ireland.
Francisco Laver,	28	Mexico.
William C. Smith,	45	New York.
Louis Borard,	32	France.
John Heffernens,	20	Louisiana.
Alexander McLane,	30	Scotland.
Thomas Gilbert,	45	New York.
Hagar, (negro,)	45	Mississippi.
James Conway,	27	Delaware.
Jacob Holtzman,	50	France.
Francis Cargan,	27	Ireland.
Pennel Belknap,	27	Connecticut.
George Creepe,	30	England.
Mariano Leon,	28	Chile.
Louis Pearong,	32	France.
Thomas Alderson,	35	England.
Charles Louis Thaulou,	45	France.
Joseph Janion,	35	do.
Victor Louis Nourry,	33	do.
Ebenezer Mayle,	34	England.
David O'Neill,	50	Ireland.
Gabriel Penard,	36	France.
George, (negro,)	34	Maryland.
Smith Corman,	26	Connecticut.
Edward Golden,	37	Maryland.
Edward Beaver,	41	New York.
Antonio Record,	40	Spain.
John Deville,	36	Italy.

NAMES.	AGE.	NATIVITY.
Samuel Ure,	47	England.
Moses Jones,	37	New York.
Louis Jean Norrie,	33	France.
Joseph Francois Bouche,	35	do.
Walton Van Loan,	18	New York.
Robert C. Rose,	21	Rhode Island.
Elizabeth Turner,	18	Arkansas.
James W. Mayes,	22	Ohio.
Mary Ann Hunter,	25	Maine.
Rosali M. Chena,	25	California.
George W. Pierce,	44	Massachusetts.
Michael Scanlan,	26	Ireland.
Samuel Hurwitz,	38	Poland.
W. C. Sloan,	44	New York.
Abraham Howard,	35	Maryland.
Richard H. Hogg,	31	Pennsylvania.
Thomas Richards,	30	South Carolina.
Henri C. Lought,	38	France.
Curtis E. Houghton,	28	Massachusetts.



[Document No. 19.]

IN THE ASSEMBLY]

[SESSION OF 1853.

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

[GEORGE KERR, STATE PRINTER.

THE UNIVERSITY OF CHICAGO

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

ATTORNEY GENNRAL'S OFFICE, }
San Francisco, Feb. 18, 1853. }

To the Hon. Speaker of the Assembly :

SIR :—In reply to the resolution of the Assembly of the 16th instant, I submit the enclosed list of Beach and Water Lots, embraced within the boundary limits of Beach and Water property, which is all of the property disposed of by the Commissioners of the Funded Debt of the city of San Francisco.

The total proceeds are	\$71,900
Twenty-five per cent. due the State,	17,975
Paid into the State Treasury,	11,000
Balance now due the State,	6,975

Nearly the entire balance of Beach and Water property has been sold on execution issued on judgments against the city, for prices greatly inadequate, if not merely nominal, compared with the actual value of the property. No part of the proceeds of the Sheriff's sales has been paid into the State Treasury.

As stated in my Annual Report, I have commenced an action in the District Court of the 4th Judicial District against the City, the Commissioners of the Funded Debt, and the purchasers at the Sheriff's sales to recover this property for the State.

I transmit herewith a copy of the complaint in the action, which will explain the grounds of this proceeding.

Without entering into an argument in support of the action, I will here remark, that at the time of the rendition of the judgments and of the levy of the executions the title of the property was in the State. Subsequently and before the sales, the use and occupancy was granted to the city for ninety-nine years, and at the time of the sales all the rights which the State had relinquished to the city were held by the Commissioners of the Funded Debt in trust for the benefit of the creditors of the city and for the State, one fourth of the proceeds being reserved.

In a late decision of the Supreme Court confirming the sales as to property to which the city had the legal title at the time of the rendition of the judgments the rights of the State are reserved for future investigation.

I think I may safely estimate the value of Beach and Water property in the city of San Francisco which has not been disposed of according to the provisions of the Statutes, and which rightfully belongs to the State, at the sum of \$5,000,000.

A great part of this property is now held and claimed by persons who have no legal or equitable right to it.

I shall soon report to the Governor the condition of this immensely valuable property, and in what manner and under what pretended rights it is now withheld from the control of the State and the city of San Francisco.

Respectfully yours, &c.,

S. C. HASTINGS,
Attorney General.

[Document No. 20.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

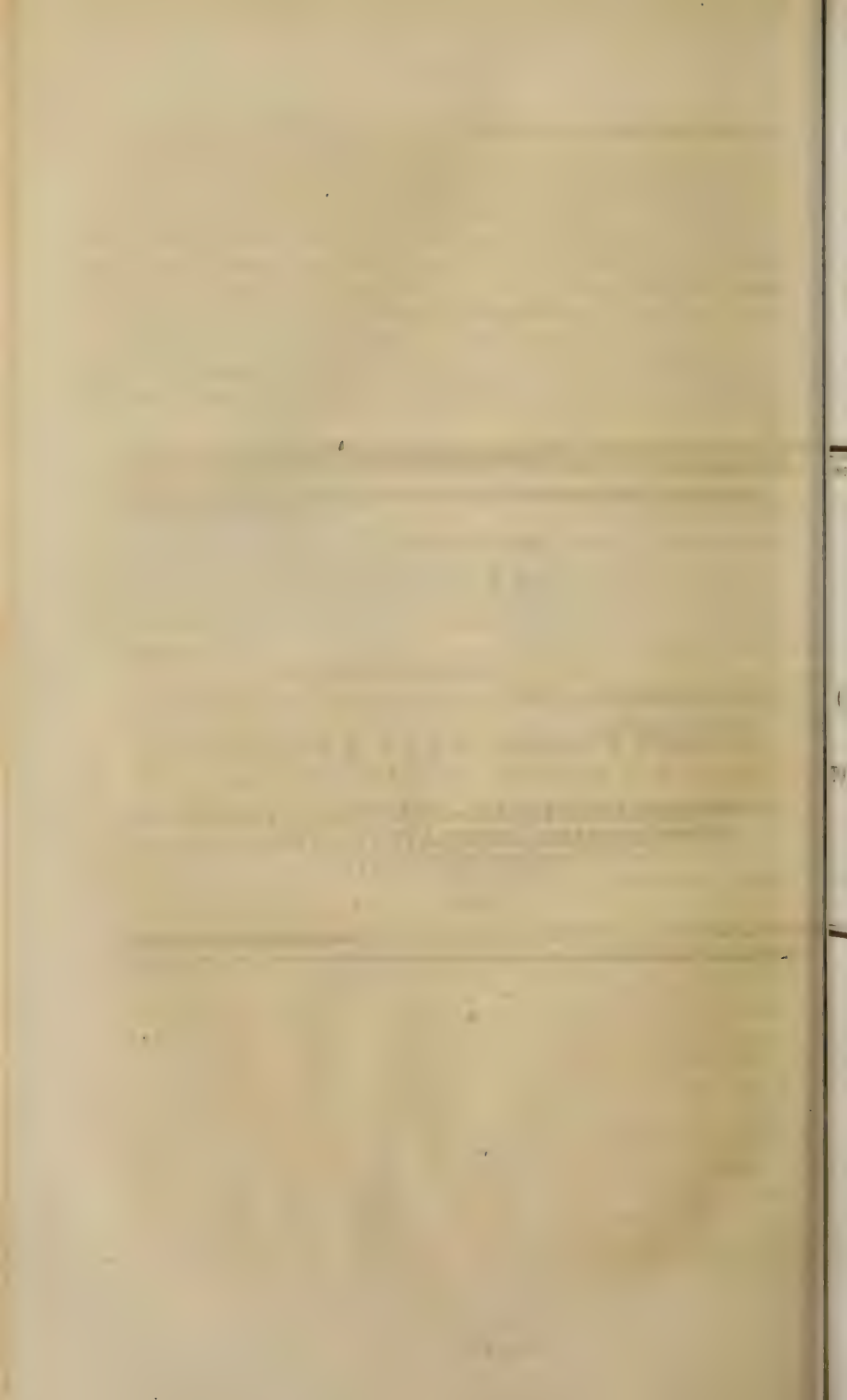
R E P O R T

OF THE

COMMITTEE ON WAYS AND MEANS,

TO WHOM WAS REFERRED SO MUCH OF THE GOVERNOR'S MESSAGE AS RELATES TO THE FINANCES OF THE STATE.

[GEORGE KERR, STATE PRINTER.



IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON WAYS AND MEANS,

TO WHOM WAS REFERRED SO MUCH OF THE GOVERNOR'S MESSAGE AS RELATES TO THE FINANCES OF THE STATE.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON WAYS AND MEANS.

Mr. Speaker:

The Committee on Ways and Means to whom was referred "so much of the Governor's Message as relates to the Finances of the State," beg leave to report that they had the same under consideration and regarding it as a subject of permanent interest to all who are concerned in the monetary relations of the State, have deemed much time and labor well bestowed in a careful scrutiny of all the facts connected with the very able communications of the Executive, the sound competence and satisfactory report of the Comptroller of State, together with such suggestions as producers were able to offer, whose connection with the practical operations of the present financial system rendered them so prone to its merits and demerits. The committee have not deemed it advisable to do more than to propose such amendments to the Revenue Laws now in force, as the experience of the past has pointed out as independently necessary. To do more than this would be to perpetrate the public expense without the assurance of securing a system of laws more harmonious, practical and efficient in their effect. The increase in the amount of tax on real and personal property proposed in the accompanying bill, we believe to be absolutely necessary and justifiable, when viewed only in connection with our pecuniary embarrassments, scarcity of resources which can be made available at present, and a proper regard for the honor of the State at home and abroad.

Although we deeply regret the necessity for imposing additional burdens upon the people, we have every confidence in their willingness to assist, with their political opinions, which has not diminished the American people in any real and all reasonable measures, protective of the honor of the country in preserving its credit and financial equilibrium.

It is truly that it is the duty of Government to protect the rights of their people, as well persons as property, and this is one of the branches of

our National and State Constitutions which all Americans can point to with just pride : and it is this that tended, as much as any one thing, to build up this great American confederacy, strengthen its bands, enshrine a love and devotion to it in the hearts of its children, and render it "the brightest gem in the world's casket of national jewels."

In attempting to do *indirectly*, that which we have no right to do *directly*, we put justice and sound policy at defiance, and when such action materially interferes or invades the chartered rights of the people, we travel out of the bounds of legislative powers, subject our acts to just condemnation ; destroy the confidence of the people in the government ; and inspire a spirit of contempt of her authority, such, in the opinion of the committee, would necessarily be the effects of an increase at this time of the amount of tax on real and personal property, over that which the accompanying bill proposes.

The great landed interests of the State would, of necessity, be the most seriously affected by a different policy.

Not being able to meet the demands of the State without being compelled to alienate their title to large amounts of property, of which they are legally and equitably in possession, they would find themselves forced to do so or else to resist the revenue laws of the State, and any attempt at coercion by State authority would be regarded as agrarian in spirit and effect. It belongs to monarchies and not to republics, to carry out such monstrous principles. Should the amendments to the present revenue law, contained in the accompanying bill, meet the favorable consideration of the Legislature, the surplus arising under the provisions for raising the necessary fund for liquidating the interest on the funded debt of eighteen hundred and fifty-two, we believe will go very far towards liquidating the outstanding civil debt of eighteen hundred and fifty, commonly known as the 3 per cent. bond debt. The subsequent action of the present Legislature, will materially bear upon and influence the correctness or incorrectness of this statement. If *Constitutional restraints* should not be regarded so far as the aggregate amount of State indebtedness is concerned, and if a just and wise spirit of economy should be lost sight of, the opinion above stated must necessarily prove erroneous. We must, however, be compelled to await the developments of the future for a decision, not doubting the ability and willingness on the part of the immediate representatives of the people, to guard with vigilance the interests and rights of their respective constituency.

The satisfactory arrangements in the existing law, for the payment of the interest and principal of the funded debt of one thousand eight hundred and fifty-one, should not in our judgment, be disturbed, as nothing better could be suggested under existing circumstances. The interest accruing has been promptly met, and a sum amounting to upwards of thirty thousand dollars is now being applied to the liquidation of the principal. By the first section of the Funding Act of one thousand eight hundred and fifty-two, some have been influenced to believe that six hundred thousand dollars was the extent to which the Legislature intended to go, in funding the outstanding indebtedness of the State, which had accrued from the 29th of April, 1851, to the 31st of December, 1852, and were surprised to learn that the amount has so far exceeded that sum.—What the opinion of the majority of the late Legislature was in relation

to this apparent limit, we are not prepared to assert, but that it was generally conceded that ample provisions were made for the prompt payment of the interest accruing on the bonds of eighteen hundred and fifty-two, we have every reason to believe. Nevertheless, such was not the result, and further provisions become imperatively necessary.

By referring to the fifth section of the Act authorizing the funding of the debt of the State which had accrued from April 29th, 1851, to December 31st, 1852, it will be seen that no limit in the amount of bonds authorized to be issued under this law, was expressed, consequently, however evident it may have been to the Comptroller and Treasurer that no adequate provision had been made for the accruing interest on so large a debt, they were not in possession of any legal authority to cease funding. The failure to realize important accessions to our Treasury, from other than the ordinary sources of revenue, which was contemplated by the late Legislature, the falling off in the amount received from the various ordinary sources of State revenue, together with the creation of a new debt of considerable importance, in the shape of a seven per cent. school fund, which is constantly accumulating by accessions to the principal and interest, has satisfied the Committee that it would be exceeding impolitic to recommend a continuance of the funding policy. The large amount of interest accruing annually on the aggregate indebtedness of the State, could be urged as a sufficient additional reason why we should fund no more for the present.

The falling off in State appropriations and expenditures which must necessarily take place the present year, if wisdom should govern our actions and a just policy obtain the increase of revenue which must ensue, the favorable action of the present Legislature in relation to several bills now under consideration, it is sanguinely hoped and believed by your committee, will place the financial interests of our State in an enviable condition. It will prevent any material expansion of her credit; reduce her monetary transactions to a cash standard; relieve her people from the onerous burdens of taxation by which they have been so long oppressed, and enable her to spread her sail before the breeze of prosperity, and gallantly stem the current of opposition which has hitherto retarded her advancement to the haven of unequalled and inimitable greatness.

In conclusion, the committee beg leave to state, that the increase of tax on real and personal property, the more stringent obligations imposed on assessors and collectors of revenue, the increase of taxable property, retrenchments in the salaries of officers, reform in our charity system, the availability of the script of 1853, and its redemption to the extent of certain taxes, &c., &c.—will, it is confidently believed, secure the prompt liquidation of all the interest on, and much of the principal of, our entire State debt—among the items of which stand the issues of the year 1853. To wise future legislation, and an increase of State resources, we must look for the relief of our young and prosperous State from pecuniary embarrassments.

All of which is most respectfully submitted.

SELDEN A. McMEANS,
Chairman Com. on Ways and Means.

[Document No. 21.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

ANNUAL REPORT

OF THE

TRUSTEES OF STATE MARINE HOSPITAL,

AT SAN FRANCISCO, FOR 1852.

[GEORGE KERR, STATE PRINTER.

The first part of the paper
is devoted to a general
survey of the subject.
The second part is
devoted to a detailed
description of the
method.

The third part is
devoted to a detailed
description of the
method.
The fourth part is
devoted to a detailed
description of the
method.

The fifth part is
devoted to a detailed
description of the
method.
The sixth part is
devoted to a detailed
description of the
method.

SAN FRANCISCO, February 10th, 1853.

To the Honorable the

Legislature of the State of California.

We hereby transmit to your honorable body the Annual Report of the Trustees of the State Marine Hospital at San Francisco, for the year 1852, and the Annual Report of the Receipts and Expenditures of the same Institution for the same year.

All of which is respectfully submitted.

We are, &c.,

Your obedient servants,

HENRY H. BYRNE,

ALEX. CAMPBELL,

Committee on behalf of Trustees.

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
G A G Sell,	28	France,	1851, July 2	ulcerated leg,	1852, Feb. 4	cured,	City patient.
J F Riley,	25	New York,	" "	rheumatism,	Jan. 4	do	do
H A Dermerest,	52	France,	" "	contusion,	" 29	do	S M hospital.
J Crosby,	31	Ireland,	" "	fractured leg,	April 16	do	City patient.
C Johnson,	45	Denmark,	" "	paralysis,		in hospital,	do
P Nelson,	38	do	" "	3 secondary syphilis,		do	S M hospital.
"Nancy,"	80	Louisiana,	" "	general debility,		do	City patient.
J T Hathaway,	22	Massachusetts,	Aug. 7	paralysis,	Aug. 23	do	do
D Duprey,	51	France,	" 20	do		dead,	S M hospital.
A Laustalet,	28	do	" 10	general debility,		in hospital,	do
B G Kruse,	22	Denmark,	" 14	scrofula,	March 14	dead,	do
Atoo,	25	China,	Sept. 19	scurvy,	Feb. 9	cured,	do
P Hudson,	23	N Carolina,	" 23	rheumatism,	April 8	do	City patient.
Atoon,	21	China,	" 24	disease of chest,	March 11	do	S M hospital.
Chas Carr,	37	Ireland,	Oct. 6	delirium tremens,	" 24	do	City patient.
O C Gunze,	27	China,	" 7	rheumatism,	Jan'y 14	do	S M hospital.
J Dawson,	34	Ireland,	" 11	neuralgia,		in hospital,	City patient.
C A Lord,	30	Maine,	" 14	dysentery,	Feb'y 4	cured,	do
M Cosner,	37	Ireland,	" 15	jaundice,	Jan'y 3	do	do
C E Lange,	36	New York,	" 15	rheumatism,	March 4	do	do
E Johnson,	22	South Carolina,	" 17	do		in hospital,	S M hospital.
Wm Evans,	28	Massachusetts,	" 18	secondary syphilis,	Jan'y 19	cured,	do
Oporo,	30	China,	" 25	scurvy,		in hospital,	do

J Moffat,	40 Scotland,	1851,	Oct. 28	erysipelas,	1852, Jan'y	4	cured,	City patient.
B Boutwell,	17 New York,	"	Nov. 21	do	"	2	do	do
W Glynn,	56 Massachusetts,	"	"	5 scurvy,	"	4	do	do
J McLaughlin,	26 Scotland,	"	"	6 gun-shot wound,	"	7	do	do
J Young,	33 do	"	"	10 intermittent fever,	Feb'y	3	do	do
J McElroy,	23 Pennsylvania,	"	"	do	Jan'y	13	do	do
J M Monsoe,	23 do	"	"	14 scurvy,	May	2	do	do
J B Hebert,	50 France,	"	"	15 intermittent fever,	Nov. 12	do	do	S M hospital.
P Mullen,	25 New York,	"	"	do	Feb'y	4	do	City patient.
J Rowland,	68 Philadelphia,	"	"	ophthalmia,	Aug. 26	do	dead,	do
G Kuhn,	27 Holland,	"	"	20 dysentery,	Jan'y	8	do	S M hospital.
J Durfee,	58 Rhode Island,	"	"	intermittent fever,	Nov. 15	do	cured,	City patient.
P Farston,	36 Hindostan,	"	"	21 dropsy,	March	1	do	Pay patient.
J Hudson,	30 Massachusetts,	"	"	erysipelas,	Jan'y	5	dead,	City patient.
J Beverly,	20 New York,	"	"	22 diarrhoea,	July	16	cured,	do
J Morgan,	60 Nova Scotia,	"	"	24 disease of heart,	March	19	dead,	do
M Karigan,	61 Ireland,	"	"	fistula,	Jan'y	20	in hospital,	do
Wm Harrison,	12 Alabama,	"	"	bilious fever,	"	18	cured,	do
J Lee,	25 England,	"	"	26 intermittent fever,	"	16	do	do
Wm Creighton,	37 North Carolina,	"	"	do	July	16	do	do
J Long,	30 Ireland,	"	"	29 Panama fever,	Feb'y	9	do	S M hospital.
N Noel,	33 France,	Dec.	1	dysentery,	Jan'y	2	do	City patient.
J Harley,	25 Ireland,	"	"	3 eruption,	Feb'y	14	do	do
H Cram,	33 New Hampshire,	"	"	4 intermittent fever,	"	10	do	do
B Gody,	49 Spain,	"	"	syphilis,	Jan'y	7	do	do
J Smith,	23 St. Louis,	"	"	erysipelas,	"	24	do	S M hospital.
Miss Fanny Curtis,	21 England,	"	"	general debility,	May	11	do	City patient.
J Mepres,	28 Germany,	"	"	injury to leg,	Jan'y	15	do	do
H W Rich,	25 Maine,	"	"	5 Panama fever,	"	5	do	do
P Klais,	29 Holland,	"	"	do	"	27	do	do
J Cronin,	35 Ireland,	"	"	scurvy,	"	27	do	do

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
E Wilson,	42	Massachusetts,	1851, Dec.	6 dysentery: "	1852, Feb'y 5	cured,	S M hospital.
L Ducoss,	21	France,	"	gun shot wound,	Jan'y 27	do	City patient.
J Bennett,	22	England,	"	Panama fever,	" 25	do	do
L Desmanuel,	34	France,	"	8 bilious fever,	" 25	in hospital,	S M hospital.
D Benay,	1	Massachusetts,	"	injury to groin,	Jan'y 8	cured,	City patient.
R Patterson,	54	Scotland,	"	9 scurvy,	" 3	do	S M hospital.
Wm Walters,	27	New York,	"	10 Panama fever,	Feb'y 20	dead,	City patient.
G Poultnier,	23	England,	"	do	" 10	cured,	do
J Campbell,	34	Ireland,	"	11 rheumatism,	Jan'y 3	do	do
Wm Lawler,	24	do	"	12 Panama fever,	" 4	do	do
D Kimick,	28	Maine,	"	13 rheumatism,	Feb'y 17	do	do
M Montafin,	22	New York,	"	cough,	" 24	do	S M hospital.
J Murry,	39	Louisiana,	"	15 intermittent fever,	Jan'y 20	do	Pay patient.
H Pugh,	39	Ohio,	"	Panama fever,	Feb'y 4	do	City patient.
A Stephens,	29	do	"	do	" 17	do	do
J Bispham,	40	Philadelphia,	"	dropsy,	" 24	dead,	do
Wm Smith,	29	Germany,	"	dysentery,	Jan'y 13	cured,	do
P Man,	31	New York,	"	16 bilious fever,	" 16	do	do
T King,	35	Ireland,	"	rheumatism,	" 13	do	do
R P Knapp,	25	Maine,	"	17 intermittent fever,	" 10	do	do
J Gertudes,	16	Mexico,	"	typhoid fever,	" 13	do	do
C Christianson,	22	Norway,	"	do	" 7	do	do
F J Levey,	51	France,	"	poisoned,	" 3	do	do

M Grammer,	29 France,	1851, Dec. 18	inf. rheumatism,	1852, Jan'y 22	cured,	City patient.
W Thomas,	31 England,	"	injury,	" 21	do	do
A McFee,	35 Ireland,	"	pthisis,	" 10	dead,	do
Mrs Ann Cowley,	35 do	"	Panama fever,	" 7	cured,	do
W McGiven,	22 Pennsylvania,	"	19 typhoid fever,	Feb'y 26	do	do
A Day,	25 Massachusetts,	"	injury,	Jan'y 15	do	do
J Mayer,	27 Connecticut,	"	20 Panama fever,	" 22	do	do
J O'Neal,	26 Ireland,	"	do	" 15	do	do
A C Chappell,	28 Connecticut,	"	21 dysentery,	" 8	dead,	do
A Harvey,	31 Boston,	"	22 diarrhœa,	" 26	cured,	do
F Ferguson,	25 Sweden,	"	intermittent fever,	March 7	do	do
F Cushern,	30 Germany,	"	23 rheumatism,	Jan'y 22	do	do
A Nichols,	21 New York,	"	Panama fever,	March 16	do	do
H Kelly,	35 Ireland,	"	intermittent fever,	Jan'y 4	dead,	do
J Menery,	23 Ohio,	"	scurvy,	March 27	cured,	do
J Darney,	27 Ireland,	"	bronchitis,	April 14	do	do
J McMillan,	33 Philadelphia,	"	do	Jan'y 6	do	do
F D Wood,	19 Alabama,	"	laryngitis,	March 4	do	do
A McGneary,	22 Scotland,	"	diarrhœa,	Feb'y 9	dead,	do
J Selbeck,	24 Germany,	"	do	Jan'y 8	do	do
J M Gillard,	22 New York,	"	26 erysipelas,	" 4	cured,	do
G Glass,	26 Sweden,	"	ulcer,	Feb'y 25	do	S M hospital.
W Sweeting,	21 England,	"	typhoid fever,	Jan'y 10	dead,	do
C Crabb,	37 France,	"	27 injury,	Feb'y 4	cured,	City patient.
V Anbery,	32 do	"	intermittent fever,	Jan'y 8	do	do
A McGregor,	27 Sydney,	"	do	March 15	do	do
L Gale,	46 Massachusetts,	"	29 typhoid fever,	Jan'y 5	dead,	S M hospital.
G Robert,	30 Hamburg,	"	intermittent fever,	" 7	cured,	do
G Fleming,	27 Boston,	"	do	" 19	do	do
J C Melch,	42 England,	"	30 scurvy,	" 24	do	do
A Cosby,	30 New York,	"	31 injury to hand,	March 4	do	City patient.

NAMES.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Shenstone,	19 England,	1851, Dec. 31	rheumatism,	1852, Jan'y 29	cured,	City patient.
C Piper,	32 Maine,	1852, Jan'y 2	Panama fever,	" 3	dead,	do
J W Taylor,	36 Georgia,	" "	injury to hand,	Feb'y 4	cured,	do
C Stowell,	26 Germany,	" "	Panama fever,	" 9	do	do
M Klankenbaum,	21 do	" "	typhoid fever,	Jan'y 14	do	do
P McGrand,	27 Ireland,	" "	do	" 21	do	do
J Willis,	20 New York,	" "	scorbutis,	April 26	do	do
John Brown,	20 St. Louis,	" "	ulcer,	Jan'y 24	do	do
Wm Tate,	36 New York,	" 3	do	May 13	do	do
J Kennedy,	17 Philadelphia,	" "	scurvy,	Feb'y 7	do	do
B Hughs,	41 London,	" "	syphilis,	Jan'y 14	do	do
R Edwards,	24 England,	" "	intermittent fever,	Feb'y 14	do	do
F French,	19 New Hampshire,	" "	Panama fever,	Jan'y 30	do	do
J French,	26 do	" "	do	May 4	dead,	do
R Lane,	45 Maine,	" "	general debility,	Jan'y 12	cured,	do
F P Pillsby,	45 New Hampshire,	" "	typhoid fever,	" 14	do	do
F Saltman,	37 Germany,	" "	paralysis,	" 26	do	do
J McCoy,	28 Ireland,	" "	Panama fever,	" 12	do	do
D McMullin,	24 do	" "	typhoid fever,	" 8	do	do
Wm B Hood,	37 Scotland,	" "	4 abscess,	Feb'y 9	do	Pay patient.
J Adams,	45 Massachusetts,	" "	ulcer,	" 8	do	City patient.
C Man,	21 Ireland,	" "	debility,	" 9	do	City patient.
Can Hing,	57 China,	" "	scurvy,	Jan. 4	do	S M Hospital.

J Griffin,	27 Ireland,	1852 Jan.	5 dropsy,	1852 Feb. 5	cured,	City patient.
J Berhen,	18 Germany,	"	6 Panama fever,	Jan. 14	do	do
J E Mitchell,	22 Maine,	"	do	" 15	dead,	do
J B Summers,	32 Belgium,	"	ophthalmia,	" 26	cured,	S M Hospital.
H H Hurst,	35 Pennsylvania,	"	injury,	" 13	do	Pay patient.
J M Leon,	38 Spain,	"	7 bronchitis,	Feb. 10	do	City patient.
Miss Ann Kelly,	35 Ireland,	"	cough,	" 7	do	do
J Taylor,	36 New Hampshire,	"	disease of lungs,	" 6	dead,	do
A Dolan,	30 Portugal,	"	8 rheumatism,	Jan. 6	cured,	S M Hospital.
J Campbell,	32 Ireland,	"	Panama fever,	" 27	do	City patient.
John Spencer,	48 New York,	"	diarrhoea,	Feb. 26	do	do
J Sturk,	40 Germany,	"	typhoid fever,	" 13	dead,	do
C Sturk,	28 do	"	do	March 4	cured,	do
J Brady,	22 New York,	"	do	Jan. 12	do	do
Geo Robert,	31 Germany,	"	12 diarrhoea,	" 20	dead,	S M Hospital.
J Block,	35 do	"	Panama fever,	" 22	cured,	City patient.
J Doin,	35 Ireland,	"	do	do	in hospital,	do
Wm Fleen,	20 New York,	"	do	Jan. 16	dead,	Pay patient.
C Ingalls,	26 Holland,	"	ophthalmia,	" 18	cured,	S M Hospital.
J M Earthman,	16 Tennessee,	"	13 Panama fever,	" 22	do	City patient.
E Brown,	23 England,	"	do	Feb. 25	do	do
S McKune,	22 Ireland,	"	14 intermittent fever,	" 16	do	do
A Lomer,	23 Germany,	"	do	" 6	do	do
W P Stockwell,	29 Massachusetts,	"	disease of spine,	do	in hospital,	do
P Falls,	26 New Brunswick,	"	erysipelas,	Feb. 17	dead,	do
A Smail,	32 England,	"	intermittent fever,	" 9	cured,	do
B McDougal,	31 Ireland,	"	17 dropsy,	" 25	dead,	do
C Phillips,	26 Portugal,	"	disease of throat,	Jan. 31	cured,	do
J Divine,	32 Ireland,	"	19 dysentery,	April 16	dead,	do
J D Lucas,	21 New York,	"	do	Feb. 4	do	do
J K Potter,	30 Massachusetts,	"	delirium tremens,	Jan. 21	cured,	do

NAMES.	Age	Native Country.	When discharged.	Disease.	When discharged.	How discharged.	Remarks.
G Loudrum.	26	Ireland,	1852 Jan. 20	jaundice,	1852 Feb. 3	cured,	City patient.
G Hoag,	24	Maryland,	"	rheumatism,	" 4	do	do
J McCrea,	26	Maine,	"	gun-shot wound,	May 4	do	do
G A Baccus,	39	New York,	"	rheumatism,	Feb. 26	do	do
H Van Buskirk,	23	do	"	dysentery,	" 6	do	do
L S Cannell,	20	do	"	do	Jan. 25	do	do
P Cole,	41	Massachusetts,	"	typhoid fever,	" 27	do	do
C V Kraft,	27	Sweden,	"	rheumatism,	July 8	do	do
J D Minos,	30	Chile,	"	asthma,	Jan. 23	do	do
J H Rogers,	50	New York,	"	general debility,	" 28	do	do
F Outlett,	25	Belgium,	"	intermittent fever,	April 7	do	do
J Mulhern,	43	Massachusetts,	"	tetanus,	Jan. 29	dead,	do
B Stoneburner,	47	New York,	"	intermittent fever,	Feb. 4	cured,	do
S A Allen,	35	Maine,	"	small pox,	" 16	do	do
J Mullan,	23	Ireland,	"	intermittent fever,	" 3	do	do
J Purard.	23	do	"	ophthalmia,	" 9	do	do
S Haskins,	52	do	"	dysentery,	" 7	do	do
A McDonald.	19	New York,	"	jaundice,	" 9	do	do
J Quimby,	23	do	"	typhoid fever,	" 30	do	do
Ann Griffin,	21	Ireland,	"	intermittent fever,	" 24	do	do
S Brown,	14	England,	"	injury to leg,	" 7	do	do
J Donally,	26	Ireland,	"	dropsy.	" 7	do	do
Ling Chung,	34	China,	"	bronchitis,	" 14	do	do
Chin Han,	44	do	"	abscess,	" 6	do	S M Hospital.
An Gale,	35	do	"	ulcer,	Jan. 29	do	do
Assing,	30	do	"	do		in hospital,	do

J Hickey,	20 Ireland,	1852 Jan. 26	rheumatism,	1852 Feb. 10	cured,	City patient.
J Wilson,	26 England,	"	phthisis,	March 4	do	do
J Walsh,	33 Ireland,	"	27 intermittent fever,	Feb. 17	do	do
Wm Nelson,	36 Copenhagen,	"	do	" 8	do	S M Hospital.
S A Riley,	35 New York,	"	28 typhoid fever,	" 9	dead,	City patient.
Geo Swain,	40 Ireland,	"	rheumatism,	March 11	cured,	do
Ayet,	21 China,	"	29 scurvy,	Feb. 8	do	S M Hospital.
J L Van Morton,	36 New York,	"	diarrhœa,	March 4	do	City patient.
Wm Raper,	35 England,	"	bronchitis,	Feb. 29	dead,	S M Hospital.
J M Kenny,	35 Ireland,	"	30 wound,	Jan. 31	cured,	City patient.
G Gaffney,	21 do	"	intermittent fever,	Feb. 11	do	do
J A Garrote,	43 Chile,	"	syphilis,	" 20	do	S M Hospital.
J Tarres,	28 do	"	dropsy,	" 6	dead,	do
J Devan,	35 Ireland,	"	31 diarrhœa,	" 16	cured.	do
F Stephenson,	44 Norway,	Feb. 2	delirium tremens,	" 7	do	City patient.
J O Brine,	24 Ireland,	"	intermittent fever,	" 13	do	do
J Malloy,	60 do	"	gun-shot wound,	" 25	do	do
T Barnes,	30 Germany,	"	3 general debility,	Jan. 9	dead,	S M Hospital.
F Mark,	47 Scotland,	"	diarrhœa,	Feb. 18	cured,	City patient.
J B Bird,	30 Tennessee,	"	4 typhoid fever,	" 29	dead,	do
J R Clerry,	33 Maine,	"	do	" 7	do	do
J Devoto,	30 Italy,	"	syphilis,	"	cured,	S M Hospital.
Bastian,	27 India,	"	enlargem't of heart,	" 15	dead,	City patient.
T Bendibentia,	24 Chile,	"	intermittent fever,	" 9	cured,	do
H J Harper,	31 Philadelphia,	"	delirium tremens,	March 4	do	do
E Smith,	33 Ireland,	"	typhoid fever,	"	do	do
J Durfee,	48 Rhode Island,	"	7 intermittent fever,	Feb. 14	do	do
J Silva,	33 West Isles,	"	dysentery,	" 9	do	do
G Sherman,	25 Germany,	"	intermittent fever,	"	do	do
J Mair,	27 Connecticut,	"	diarrhœa,	April 19	do	do
J Robinson,	18 Sydney,	"	9 gun-shot wound,	Feb. 10	dead,	do

NAMES.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
J Lane,	27 Ohio,	1852 Feb.	9 typhoid fever,	March 3	dead,	City patient.
Wm Hyler,	30 New Jersey,	"	jaundice,	" 8	cured,	do
J Skinner,	28 Bermuda,	"	pneumonia,	Feb. 10	dead,	S M Hospital.
J Meighlin,	28 Ireland,	"	intermittent fever,	" 27	cured,	City patient.
C Westcott,	22 New York,	"	10 constipation,	" 15	do	do
A Que,	50 China,	"	dropsy,	April 8	dead,	S M Hospital.
J Hauley,	23 New York,	"	epilepsy,	Feb. 16	do	City patient.
O Engston,	23 Sweden,	"	intermittent fever,	March 15	cured,	do
Jourane,	24 Chile,	"	11 rheumatism,	" 22	do	do
J Palmer,	28 Denmark,	"	12 ptyalism,	Feb. 16	do	S M Hospital.
C A Lord,	30 Maine,	"	dysentery,	March 2	dead,	City patient.
J S Paranto,	23 Chile,	"	rheumatism,	Feb. 20	cured,	do
J Silva,	34 West Isles.	"	dysentery,	" 15	do	do
Geraund,	24 France,	"	13 burn,	" 20	do	Pay patient.
J Riley,	26 Ireland,	"	intermittent fever,	June 18	do	City patient.
G Ganassa,	27 Mexico,	"	15 bronchitis,	March 16	do	S M Hospital.
R Quinn,	41 Ireland,	"	16 injury,	Feb. 23	do	City patient.
A Lowe,	24 Germany,	"	rheumatism,	April 2	do	do
J Hallet,	41 Massachusetts,	"	mania-a-potu,	Feb. 17	dead,	do
Wm Rees,	25 Wales,	"	18 intermittent fever,	March 12	cured,	do
J Anderson,	49 Boston,	"	typhoid fever,	" 11	do	do
J Williams,	49 England,	"	fracture of skull,	Feb. 22	dead,	do
A Dias,	49 Chile,	"	syphilis,	Aug. 31	cured,	do
A McDonald,	18 New York,	"	19 intermittent fever,	Feb. 23	do	do
T C Linden,	23 New Jersey,	"	bronchitis,	March 9	do	do
G Mendis,	35 England,	"	do	Feb. 22	do	do

T Formerty,	21 New York,	1852 Feb. 21	intermittent fever,	1852 March 19	cured,	City patient.
Wy Ee,	23 China,	"	do	" 8	do	S M Hospital.
A Pera,	23 Spain,	"	ulcer,	" 4	do	City patient.
T Farley,	32 Ireland,	"	23 intermittent fever,	" 22	do	do
J H McNarry,	32 do	"	24 typhoid fever,	" 20	do	do
G B Brewster,	28 New York,	"	intermittent fever,	" 16	do	do
P Clark,	19 Ireland,	"	do	" 22	do	do
Wm Montgomery,	30 New York,	"	do	" 12	do	do
C McGuire,	28 Ireland,	"	do	" 11	do	do
G Smith,	29 do	"	rheumatism,	"	do	do
J Murry,	39 Louisiana,	"	hepatites,	"	dead,	do
P McPadden,	25 Ireland,	"	erysipelas,	Feb. 28	do	do
J Lydecker,	28 Germany,	"	intermittent fever,	March 19	cured,	do
J Nelson,	35 Boston,	"	rheumatism,	" 4	cured,	S M hospital.
Wm H Mason,	26 New York,	"	27 typhoid fever,	"	do	City patient.
P Patterson,	42 Scotland,	"	delirium tremens,	April 9	do	do
M Bryan	34 Ireland,	"	diarrhoea,	" 12	do	do
G Johnson,	24 Chile,	"	intermittent fever,	March 11	do	do
A Barros,	24 do	"	wound,	May 14	do	do
J B Summers,	32 Belgium,	"	28 abscess,	" 2	do	S M hospital.
T Adams,	40 Payal,	"	scurvy,	Mar. 19	dead,	City patient.
E Wilson,	35 Norway,	"	typhoid fever,	June 9	cured,	do
G Kestlenbury,	38 England,	"	gonorrhoea,	April 8	do	do
C Dumas,	32 Pen	"	gun-shot wound,	May 13	do	do
J Robinson,	28 Ireland,	"	intermittent fever,	Mar. 15	do	S M hospital.
J Nesmith,	25 Scotland,	March 1	gonorrhoea,	" 29	dead,	City patient.
J Castello,	19 Guayaquil,	"	syphilis,	" 12	cured,	do
J W Leon,	28 do	"	bronchitis,	"	do	do
Wm Grisham,	22 Louisiana,	"	swelled testis,	" 22	do	do
Wm Price,	24 Ireland,	"	ophthalmia,	April 24	do	do
H Joice,	19 do	"	intermittent fever,	Mar. 15	do	do

NAMES.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
P G Posten,	33 Philadelphia,	1852, Mar.	3 Panama fever,	1852, April 10	cured,	City patient.
J Canby,	23 Ireland,	"	rheumatism,	Mar. 11	do	do
G E Lange,	35 New York,	"	do	April 7	do	do
C Christanson,	20 Norway,	"	intermittent fever,	Mar. 18	do	do
J Jacobs,	22 Vermont,	"	do	April 13	do	do
A Night,	22 Massachusetts,	"	syphilis,	May 18	do	do
J M Cocholat,	31 France,	"	disease of heart,	April 13	dead,	do
J Bell,	59 Isle of Man,	"	delirium tremens,	Mar. 12	cured,	do
Mrs McBride,	55 Ireland,	"	typhoid fever,	April 27	do	do
Mrs Jane Spencer,	26 England,	"	rheumatism,	" 30	do	S M hospital.
J Constantine,	28 Louisiana,	"	jaundice,	Mar. 24	do	City patient.
J Valdmann,	30 Hungary,	"	sinusitis,	April 4	do	do
J Durie,	48 Rhode Island,	"	intermittent fever,	" 3	do	do
J Beckford,	20 Vermont,	"	Panama fever,	May 2	do	do
C Mathewson,	57 do	"	do	Mar. 26	do	do
T Miller,	23 Ireland,	"	do	May 2	do	do
J Maloney,	21 do	"	diarrhea,	April 4	do	do
Wm Teece,	25 England,	"	Panama fever,	Mar. 12	do	do
W Archie,	46 Germany,	"	ulcer,	April 8	do	do
A E Cansby,	30 New York,	"	rheumatism,	Mar. 20	do	do
P Farrell,	28 Ireland,	"	bronchitis,	" 22	dead,	do
W Green,	46 Maine,	"	injury,	" 25	cured,	do
J Hapley,	30 New Brunswick,	"	delirium tremens,	" 13	dead,	do
E Elliot,	43 Virginia,	"	rheumatism,	" 18	cured,	do
T Yel,	33 China,	"	ulcer,	"	do	S M hospital.
D Featherstone,	31 France,	"	intermittent fever,	April 5	do	do

J Colamunture,	31	France,	1852, Mar. 12	intermittent fever,	1852, April 5	cured,	City patient.
J Delvin,	32	Ireland,	"	do	June 7	do	do
R Garris,	24	Mexico,	"	disease of heart,	"	do	do
Taylor,	31	Georgia,	"	Panama fever,	March 6	do	do
A Greer,	21	Philadelphia,	"	rheumatism,	June 21	do	do
H Cole,	22	Poland,	"	ophthalmia,	April 14	do	do
F Maria,	34	Spain,	"	laryngitis,	March 14	dead,	do
J McMullen,	37	Scotland,	"	scurvy,	April 7	cured,	do
Ahem,	32	China,	"	13 rheumatism,	" 4	do	S M hospital.
A Engston,	23	Sweden,	"	15 swelled testis,	June 3	do	City patient.
J Ward,	19	Ireland,	"	diarrhoea,	March 27	do	do
D Harkin,	33	do	"	do	March 27	do	do
Miss S A Lowe,	16	England,	"	16 acme,	May 8	do	S M hospital.
D K Maloney,	31	Ireland,	"	17 epilepsy,	March 5	dead,	City patient.
Wm Cornell,	20	Connecticut,	"	diarrhoea,	" 23	do	do
B Alsey,	22	Iowa,	"	18 syphilis,	April 27	cured,	do
L Langar,	18	Massachusetts,	"	rheumatism,	March 20	do	do
J Malay,	26	New York,	"	debility,	April 19	do	S M hospital.
Miss Kate Conner,	22	Ireland,	"	secondary syphilis,	July 2	do	City patient.
J O Conner,	27	Philadelphia,	"	19 wound,	April 8	do	do
C Crabb,	34	France,	"	injury,	" 3	do	do
C Harwood,	22	New York,	"	20 Panama fever,	" 20	do	do
H Cunningham,	36	do	"	do	" 3	do	do
G Lacy,	38	Scotland,	"	do	" 13	do	do
R Furnace,	42	Liverpool,	"	disease of lungs,	Sept. 5	dead,	do
H Delaney,	60	do	"	21 Mania-a-portu,	March 31	do	do
C B Ott,	51	Philadelphia,	"	22 rheumatism,	May 5	cured,	do
A McIntyre,	23	Scotland,	"	23 typhoid fever,	June 15	do	do
J Karney,	37	Maine,	"	rheumatism,	March 27	do	do
W Brown,	32	New York,	"	24 injury,	April 26	do	do
S Richards,	45	Ireland,	"	fracture,	" 6	do	do

NAMES.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
A Dunante.	50 Canada.	1852. Mar. 24	ophthalmia,	1852, May 19	cured,	City patient.
H Manolis.	23 New York,	" "	syphilis,	March 27	do	do
E Canambolt,	29 France,	" "	abscess,	April 12	do	do
J Bateult,	23 Maryland,	" "	25 pneumonia,	" 21	dead,	do
T Cunningham,	27 Liverpool,	" "	rheumatism,	" 21	cured,	do
Ali,	30 China,	" "	do	" 4	do	S M hospital.
A Olivia,	23 Chile,	" "	scurvy,	June 28	do	do
J Harvey,	35 Scotland,	" "	injury,	May 12	do	City patient.
J Stewart,	123 New Brunswick,	" "	rheumatism,	April 19	do	Pay patient.
T J Apharp,	33 Massachusetts,	" "	27 dysentery.	May 7	do	City patient.
W Hillbrand.	28 Germany,	" "	rheumatism,	April 14	do	do
C F Hopkins.	28 Vermont,	" "	Panama fever,	" 2	dead,	do
Mrs. A O'Donnell,	32 Ireland.	" "	wound,	" 4	cured,	do
J Monphew,	52 England,	" "	28 dropsy.	May 14	do	Pay patient.
N J Parker,	55 Massachusetts,	" "	29 rheumatism,	June 16	do	City patient.
J J Carey,	29 Chile,	" "	do	April 6	do	do
N Cartois,	18 do	" "	do	" 7	do	do
L J Summerland,	20 North Carolina,	" "	diarrhoea,	" 14	dead,	do
P Bell,	20 Georgia,	" "	do	May 17	cured,	do
J J Jones,	22 do	" "	do	" "	do	do
C Buenaventura,	27 Chile,	" "	gun-shot wound,	" 7	do	do
J Meadsker,	45 Prussia,	" "	typhoid fever,	" 2	dead,	do
Wm Berry,	25 Ireland,	" "	30 delirium tremens,	" 4	cured,	do
Ching Too,	31 China.	" "	erysipelas,	in hospital,	S M hospital.	
A Grew,	45 do	" "	31 dropsy,	April 4	dead,	do
R Martinez,	22 Mexico,	" "	dysentery.	May 3	cured,	City patient.

J Olivarres,	45 Chile,	1852, Mar. 31	syphilis,	1852, June 24	cured,	S M hospital.
H Thompson,	25 Philadelphia,	April	1 constipation,	April 7	do	City patient.
Wm Williams,	29 New York,	"	2 diarrhœa,	" 12	do	do
Aching,	30 China,	"	disease of lungs,	" 14	do	S M hospital.
F Beaugrand,	23 France,	"	abscess,	" 9	do	do
S Andulce,	25 Chile,	"	3 syphilis,	"	do	do
J M Solanis,	24 do	"	intermittent fever,	" 7	do	do
H Studson,	30 Rhode Island,	"	5 rheumatism,	"	City patient.	do
P Oarnica,	22 Chile,	"	6 abscess,	May 4	do	do
H Dubargunes,	31 France,	"	7 scurvy,	April 17	do	S M hospital.
A Bartlett,	30 Connecticut,	"	7 paralysis,	June 27	do	City patient.
P Riley,	20 Ireland,	"	abscess,	April 12	do	do
J Brocklenback,	21 Maine,	"	Panama fever,	" 25	dead,	do
L J Bergland,	37 Sweden,	"	8 dropsy,	May 15	cured,	S M hospital.
J McIlroy,	18 New Jersey,	"	intermittent fever,	April 15	do	City patient.
D Collins,	25 Vermont,	"	dysentery,	in hospital,	do	do
C Smith,	31 Germany,	"	rheumatism,	May 5	cured,	do
H Cogswell,	52 Maine,	"	hydrocele,	April 9	do	S M hospital.
Wm Richards,	31 Liverpool,	"	disease of chest,	" 21	dead,	Pay patient.
P Freed,	23 Germany,	"	9 rheumatism,	" 12	cured,	City patient.
S Edson,	54 Vermont,	"	injury,	" 14	do	do
H Losnip,	22 Ohio,	"	intermittent fever,	"	do	do
M Ring,	25 Ireland,	"	10 hemorrhage lungs	May 29	dead,	do
C W Haddon,	42 London,	"	constipation,	April 15	cured,	do
C Hernandes,	22 Chile,	"	ophthalmia,	May 3	do	S M hospital.
J Wilson,	40 England,	"	11 delirium tremens,	April 13	dead,	City patient.
T Galbinger,	36 do	"	rheumatism,	" 18	cured,	do
Wm Bowles,	24 New York,	"	12 disease of chest,	" 17	do	do
J France,	31 France,	"	12 rheumatism,	May 19	do	City patient.
J Conlough,	50 Liverpool,	"	delirium tremens,	Aug. 14	do	Pay patient.
A Dodard,	24 Italy,	"	14 abscess,	May 15	do	City patient.

Name.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
P Clark,	19	Ireland,	1852 April 15	cough,	1852 April 22	cured,	City patient.
Cum,	37	China,	"	erysipelas,	May 7	do	S M hospital.
E Price,	32	Wales,	"	abscess of cornea,	April 17	do	City patient.
J Walters,	22	Maine,	" 16	injury,	"	do	do
A Peave,	28	New York,	"	rheumatism,	June 14	do	do
J Mullen,	32	Germany,	"	Panama fever,	May 9	dead,	do
G C Slayton,	27	Vermont,	"	do	22	do	do
J Fardice,	38	Massachusetts,	"	rheumatism,	4	cured,	do
B Roper,	16	England,	"	disease of spine,	June 20	do	do
J Rankin,	28	Scotland,	"	injury,	" 7	do	do
J Morgan,	26	New York,	" 17	intermittent fever,	April 21	do	do
J Moody,	46	Ireland,	"	do	May 29	do	do
R McKimley,	28	do	"	diarrhoea,	June 7	do	do
E J Langherone,	30	France,	"	injury,	April 22	do	do
J B Smith,	27	Philadelphia,	"	gun shot wound,	June 26	do	do
J H Rungold,	42	Maryland,	" 18	ophthalmia,	May 18	do	Pay patient.
J Miller,	32	Germany,	" 19	erysipelas,	" 12	do	City patient.
H Newcomb,	23	Ireland,	"	intermittent fever,	April 27	do	do
J Marris,	23	New York,	"	do	" 26	do	do
Miss F' Curtys,	21	New York,	"	phlog masia dolens	" 28	do	S M hospital.
F' Harris,	25	England,	" 20	typhoid fever,	July 8	do	City patient.
H Parrot,	36	New York,	"	ulcer,	May 18	do	do
A Leopold,	17	France,	"	syphilis,	April 23	do	do
J Cunningham,	33	Maryland,	" 21	pneumonia,	May 1	dead,	do
J Kreen,	30	Germany,	"	diarrhoea,	June 28	cured,	do
Miss B Roberts,	21	Wales,	"	deltium tremens,	April 21	do	do

C Morrell,	45 France,	1852	April 21	intermittent fever,	1852	April 27	cured,	S M hospital.
C R Davidson,	24 New York,	"	"	do	"	"	do	City patient.
J Dickenson,	24 Illinois,	"	"	diabetees,	July	31	dead,	do
S Handley,	28 Maine,	"	"	injury to hand,	May	18	cured,	do
F Millday,	28 Hamburg,	"	"	dysentery,	"	20	do	do
F Rowe,	27 England,	"	"	24 swelled testis,	July	7	in hospital,	do
G Combs,	20 Sweden,	"	"	fracture,	June	8	cured,	S M hospital.
Aling,	38 China,	"	"	fever typhoid,	May	7	dead,	do
A Coak,	24 do	"	"	rheumatism,	April	26	cured,	do
G Dawson,	39 England,	"	"	delirium tremens,	"	27	do	City patient.
L Spite,	35 France,	"	"	bronchitis,	"	"	dead,	S M Hospital.
D Young,	23 Michigan,	"	"	jaundice,	May	13	cured,	City patient.
J Costello,	40 New Grenada,	"	"	26 bronchitis,	"	9	dead,	do
Henry Smith,	29 England,	"	"	fracture,	"	"	in hospital,	do
J O Brine,	31 New York,	"	"	typhoid fever,	"	24	cured,	do
P Philipson,	29 Germany,	"	"	miscarriage,	June	15	dead,	do
Miss M Wigund,	26 do	"	"	scald,	May	4	cured,	S M hospital.
A Myles,	38 France,	"	"	27 intermittent fever,	"	15	do	City patient.
C Douglass,	33 England,	"	"	do	July	5	do	do
F Bessy,	21 Maine,	"	"	do	May	5	do	do
B Wheaton,	39 England,	"	"	28 ophthalmia,	"	29	do	do
Wm Muddick,	58 do	"	"	paralysis,	in hospital,	"	do	S M Hospital.
Alon,	35 China,	"	"	Panama fever,	May	5	cured,	City patient.
D Howser,	31 Germany,	"	"	syphilis,	"	6	do	S M Hospital.
G Kenyon,	17 Rhode Island,	"	"	dropsy,	"	"	do	do
T Campsa,	35 Russia,	"	"	intermittent fever,	"	11	do	City patient.
J Moyanes,	27 New Grenada,	"	"	disease of kidneys,	"	12	do	do
F Lawrence,	27 New York,	"	"	29 intermi tent fever,	"	19	do	do
J Torrence,	46 France,	"	"	do	"	20	do	do
J Henry,	19 Ireland,	"	"	ophthalmia,	"	"	do	do
F Boyd,	20 Ecuador,	"	"					

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
T C Linden,	23	New Jersey,	1852 April 29	bronchitis,	1852 Nov. 9	cured,	City patient.
J Robinson,	21	New Hampshire,	" 30	typhoid fever,	May 24	do	do
A Monroe,	29	Scotland,	" "	do	June 18	do	do
H Dobson,	37	England,	" "	typhoid fever,	" 7	do	do
Aching,	21	China,	" "	do	May 1	dead,	S M Hospital.
A Mun,	24	do	" "	do	June 15	cured,	do
M Kelly,	26	Ireland,	" "	do	May 25	do	City patient.
S G Cummings,	48	Maine,	" "	do	" 2	dead,	do
J Gardner,	24	Maryland,	" "	injury to head,	" 30	cured,	do
J Murry,	27	Scotland,	May	1 erysipelas,	" 24	do	do
J Larkins,	30	Louisiana,	" "	gun-shot wound,	in hospital,	do	do
D Jacobs,	26	Prussia,	" "	diarrhoea,	May 8	dead,	do
J H Williams,	35	New York,	" "	delirium tremens,	" 3	cured,	do
C Smith,	39	Delaware,	" "	stricture,	" 30	do	do
S Michold,	31	Chile,	" "	puerperal fever,	" 9	dead,	do
J Klunkenbam,	31	Germany,	" "	3 intermittent fever,	" 10	cured,	do
P Hermandes,	34	Mexico,	" "	syphilis,	June 17	do	S M Hospital.
M Tracy,	23	New York,	" "	4 intermittent fever,	May 8	do	City patient.
J Santiago,	17	California,	" "	erysipelas,	" 17	do	S M Hospital.
A J Eubelen,	23	France,	" "	syphilis,	" 7	do	Pay patient.
T Craig,	21	Scotland,	" "	scurv,	June 19	do	City patient.
M Lagarra,	20	Mexico,	" "	5 typhoid fever,	May 21	do	do
J Mullen,	21	Ireland,	" "	rheumatism,	" 29	do	S M Hospital.
Ling Chow,	28	China,	" "	ophthalmia,	" 7	do	City patient.
B Earl.	29	New York,	" "	6 Panama fever,	" 14	dead,	S M Hospital.
R Barthow,	50	France,	" "	dysentery,	" 15	cured,	do

J Anselmo,	30 Chile,	1852, May	6 intermittent fever,	1852,	July 16	cured,	S M Hospital.
Ting Sow,	26 China,	"	dropsy,	May 7	dead,	do	
H Weuie,	47 France,	"	7 ophthalmia,	" 10	cured,	do	
J Lean,	24 New York,	"	rheumatism,	July 3	do	City patient.	
E Legard,	31 Maine,	"	do	May 10	do	do	
J Montgomery,	33 do	"	scurvy,	"	do	do	
J Steel,	30 Scotland,	"	10 fracture,	Sept. 11	do	do	
J Klackenbaum,	21 Germany,	"	11 intermittent fever,	May 30	do	do	
J R Nichols,	48 England,	"	12 erysipelas,	" 29	do	do	
Wm Flood,	22 Maine,	"	diarrhœa,	" 13	do	do	
P Dewitt,	31 New Jersey,	"	13 wound,	" 21	dead,	do	
A Hock,	35 China,	"	rheumatism,	" 28	cured,	S M hospital.	
R Fiet,	41 France,	"	bronchitis,	June 4	dead,	do	
B Brunhall,	23 New York,	"	14 Panama fever,	May 15	do	City patient.	
F Barlow,	20 Ireland,	"	do	June 5	cured,	do	
A Josquire,	22 Mexico,	"	bronchitis,	May 20	do	do	
S R Perry,	26 New York,	"	diarrhœa,	June 14	do	do	
Mrs Mary Marrow,	30 Georgia,	"	pleuritis,	May 30	dead,	do	
P Levander,	24 Mexico,	"	syphilis,	June 7	cured,	do	
J Bullard,	44 New York,	"	15 Panama fever,	May 18	dead,	do	
Geo Kohler,	20 do	"	gun-shot wound,	" 24	cured,	do	
Geo Bird,	35 Philadelphia,	"	16 delirium tremens,	" 27	do	do	
J Vignas,	28 Germany,	"	17 injury,	June 10	do	do	
F Brinkinbosh,	30 do	"	intermittent fever,	May 25	do	S M hospital.	
Hangi,	40 China,	"	brouchitis,	June 2	do	do	
Chi Ho,	50 do	"	intermittent fever,	May 20	do	do	
Ching Li,	40 do	"	diarrhœa,	" 26	dead,	do	
Arhoo,	26 do	"	rheumatism,	" 27	cured,	do	
J Fearnot,	39 France,	"	18 injury,	" 29	do	do	
A Heard,	26 Maine,	"	intermittent fever,	June 2	do	City patient.	
T Lucas,	24 Baltimore,	"	24 abscess,	" 22	do	do	

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
F Erbin,	40	France,	1852, May 24	cholera,	June 13	dead,	City patient.
A Job,	30	China,	" "	do	" 23	do	S M hospital.
J Lancey,	26	England,	" "	19 syphilis,	May 2	cured,	do
M Tracy,	22	New York,	" "	20 intermittent fever,	" 20	do	City patient,
F Cervantes,	23	Mexico,	" "	scrofula,		in hospital,	do
C Jones,	26	New York,	" "	intermittent fever,	May 24	cured,	do
A Valentia,	22	Manila,	" "	bronchitis,	" 25	dead	do
W Collins,	20	New York,	" "	21 diarrhoea,	" 22	cured,	do
J M Mitchell,	24	Maine,	" "	Panama fever,	June 13	dead,	do
N Maddis,	21	Connecticut,	" "	do	" 9	cured,	do
C Styles,	27	Michigan,	" "	do	" 22	do	do
Thomas Dencey,	25	Illinois,	" "	rheumatism,		in hospital,	do
J Wright,	37	Massachusetts,	" "	intermittent fever,	May 22	cured,	do
J McAffrey,	17	Louisiana,	" "	Panama fever,	June 7	do	do
M M Egan,	22	Missouri,	" "	diarrhoea,	Dec. 9	do	do
B Lawrenson,	30	Germany,	" "	do	June 25	do	do
S Handley,	28	Maine,	" "	typhoid fever,	" 1	do	do
T Torley,	33	Ireland,	" "	intermittent fever,	May 22	do	do
Akin,	33	China,	" "	do	" 28	do	S M hospital.
F J Romas,	45	Chile,	" "	rheumatism,	Aug. 16	do	do
J Aldson,	32	Sweden,	" "	do	Sept. 10	do	do
T Miller,	31	do	" "	do	June 17	do	do
C M Farne,	24	France,	" "	syphilis,	" 8	do	City patient.
J McAlpen,	40	North Carolina,	" "	diarrhoea,	May 24	dead,	do
T Watson,	24	Scotland,	" "	fracture,	Aug. 29	cured,	do
O Richards,	25	South Carolina,	" "	22 measles,	June 24	do	do

A E Gleason,	24 Connecticut,	1852, May 22	diarrhœa,	1852, July 2	cured,	City patient.
G Bowen,	25 Ireland,	"	rheumatism,	June 7	do	do
P Solly,	28 Philadelphia,	"	swelled testis,	" 12	do	do
J Eaton,	35 Georgia,	"	intermittent fever,	" 16	do	do
W m Kirt,	30 Scotland,	"	gun-shot wound,	May 29	do	do
M Felix,	38 France,	"	syphilis,	" 2	do	do
P Adolphe,	18 do	"	scrofula,	June 3	do	do
A Stead,	23 New York,	"	Panama fever,	May 25	dead,	do
G Scott,	29 Scotland,	"	disease of spine,	"	do	do
G Daniels,	60 New Jersey,	"	ophthalmia,	July 18	dead,	do
J Kaufman,	23 Baltimore,	"	—	June 18	do	do
F L Herry,	38 France,	"	injury,	"	do	do
J Dougherty,	38 Ireland,	"	Panama fever,	July 2	do	do
W Miner,	25 Germany,	"	injury,	May 28	dead,	do
J A Jamieson,	23 New Jersey,	"	typhoid fever,	" 27	do	do
Toug Lisk,	50 China,	"	scurvy,	June 2	cured,	S M Hospital.
G O'Callahan,	52 New York,	"	dropsy,	July 2	do	City patient.
J Riley,	35 Ireland,	"	intermittent fever,	June 29	do	do
F Beckett,	28 Pennsylvania,	"	diarrhœa,	" 21	do	do
R Schlottel,	23 do	"	do	" 8	do	do
W Finley,	49 Ireland,	"	sprain,	" 4	do	do
G Brohaska,	24 Germany,	"	intermittent fever,	" 21	do	do
E Hudson,	25 Maine,	"	cholera,	Aug. 20	dead,	do
J Chambers,	28 Philadelphia,	"	dysentery,	June 18	cured,	do
F Dunsemar,	28 Germany,	"	erysipelas,	" 7	do	do
M Boyle,	21 Boston,	"	diarrhœa,	" 24	dead,	do
A Muller,	26 Ireland,	"	dropsy,	" 8	cured,	do
J R Gates,	26 New York,	"	cholera,	May 30	dead,	do
W S Malroy,	38 Connecticut,	"	diarrhœa,	June 21	cured,	do
J Valentine	23 Prussia,	"	neuralgia,	" 14	do	do
H Tate	22 New York,	"	Panama fever,	" 8	dead,	do

NAMES.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
J Har-ey	23 Wales,	1852, May 28	Panama fever,	1852, June 16	cured,	City patient.
J B Summers	32 Belgium,	" "	abscess,	July 8	do	do
J Coad	29 Ireland,	" "	29 dysentery,	June 26	do	do
J Karrigan	27 New York,	" "	Panama fever,	May 39	dead,	do
F S Robinson	24 Boston,	" "	intermittent fever,	June 19	cured,	do
P Duffly	40 France,	" "	eruption,	" 11	do	do
J Nicholas	32 do	" "	ulcer,	" 4	do	do
F Brinckenback	30 Germany,	" "	31 diarrhoea,	" 20	do	do
J C Watts	26 New Hampshire,	" "	cholera,	Aug. 24	dead,	do
J Stewart	23 England,	" "	rheumatism,	July 24	cured.	do
L S Bethencourt	17 Louisiana,	" "	syphilis,	June 9	do	do
F Collins	24 Ireland,	" "	typhoid fever,	Sept. 2	dead,	do
J Warton	21 Pittsburg,	" "	Panama fever,	June 3	do	do
James Hanlin	23 Pennsylvania,	" "	dysentery,	Aug. 4	cured,	do
A Comings	36 France,	" "	injury,	June 3	do	S M Hospital.
H Lable	25 Poland,	June 1	swelled testis,	" 17	do	City patient.
Miss M A Williams	5 Sydney,	" "	abscess of carnea,	" 9	do	do
Wm Henry	21 Ireland,	" "	Panama fever,	" 10	do	do
S Hallam	41 Germany,	" "	constipation,	June 18	do	do
Simon Salinas	24 Chile,	" "	intermittent fever,	" 13	do	S M Hospital.
J Daniels	35 London,	" "	injury,	" 4	do	City patient.
P Mullen	30 Sweden,	" "	3 rheumatism,	Sept. 9	do	do
J Spencer	22 Maine,	" "	Panama fever,	Aug. 20	dead,	do
A Carney	25 Italy,	" "	rheumatism,	July 15	cured,	do
J Lena	29 Ireland,	" "	do	Oct. 12	do	do
A C Holmes	41 Massachusetts,	" "	do	June 17	do	do

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	1892, June 17	1892, June 23	City patient.
J M Fretlove	22 New York,	dead,	City patient.
A A Caldwell	30 Vermont,	do	do
G Dameizt	31 Poland,	cured,	do
L Junk	45 Missouri,	do	do
J Pollock	38 Ireland,	do	do
G Rigsdale	26 Louisiana,	dead,	do
D H Crosby	35 New York,	cured,	do
E McGinnis	30 Ireland,	dead,	do
D Brown	28 do	do	do
F Dowling	26 Louisiana,	do	do
T Kingston	25 Ireland,	do	do
G Miller	24 Germany,	do	do
J Lynch	31 Maine,	do	do
S Howits	30 Poland,	do	do
A Barron	21 Maine,	do	do
A Chee	35 China,	do	do
E Vaughn	26 New York,	do	S M Hospital.
J Morgan	26 Buenos Ayres,	do	City patient.
J Maher	27 Connecticut,	dead,	do
J Morphen	52 England,	cured,	do
J Cole	29 New York,	do	do
Achow	31 China,	do	do
Alum	39 do	do	S M Hospital,
B Zunga	35 Chile,	do	do
H Beck	30 Germany,	do	do
P Lawler	31 Ireland,	do	City patient.
T Bruing	43 Germany,	do	do
A Weisenthal	25 Boston,	do	do
C Bonfaute	20 New York,	do	do
Wm Lane	30 do	do	do
J Beautiully	37 France,	do	do
	1892, June 17	1892, June 23	
	" Panama fever,	" 21	
	" intermittent fever,	" 24	
	" 18 poisoned,	July 16	
	" scurvy,	Sept. 6	
	" dysentery,	Aug. 10	
	" general debility,	" 2	
	" Panama fever,	Sept. 25	
	" diarrhoea,	July 11	
	" ptyalism,	" 27	
	" intermittent fever,	" 9	
	" 19 do	" 6	
	" ulcer,	" 21	
	" rheumatism,	" do	
	" injury,	" 9	
	" debility,	" 8	
	" injury,	June 20	
	" 20 cholera,	" 25	
	" general debility,	" 2	
	" dropsy,	July 3	
	" intermittent fever,	" 22	
	" 21 rheumatism,	" 29	
	" scald,	" do	
	" intermittent fever,	" 26	
	" do	" 8	
	" 22 Panama fever,	" 22	
	" bronchitis,	" 24	
	" do	" 22	
	" general debility,	" 21	
	" diarrhoea,	" 4	
	" 23 abscess,	" 25	

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Elliott	22	Ireland,	1852 June 23	intermittent fever,	July 27	cured,	Pay patient,
O P Hazard	30	Rhode Island,	"	abscess,	"	in hospital,	do
M Duffy	49	England,	"	scurvy,	"	cured,	do
Wm Edmondson	32	Ireland,	"	24 rheumatism,	" 26	do	do
D McGinnis	26	Ireland,	"	hernia,	" 29	do	do
J Harley	48	do	"	rheumatism,	" 7	do	do
A Murry	28	New York,	"	Panama fever,	" 24	do	do
H Cohoon	39	Massachusetts,	"	25 diarrhoea,	" 29	dead,	do
A Miller	23	Scotland,	"	intermittent fever,	" 5	cured,	do
H Myres	23	New York,	"	rheumatism,	"	do	do
E O Campo	33	France,	"	remittent fever,	"	do	do
D Lopez	32	Chile,	"	bronchitis,	" 4	do	S M Hospital.
P Lopez	26	do	"	cholera,	" 21	do	do
E Murry	27	England,	"	intermittent fever,	Aug. 19	dead,	City patient.
J Divine	22	Ireland,	"	injury,	July 2	cured,	City patient.
Mrs Jane Davis	26	Liverpool,	"	26	Aug. 3	do	do
A Cremar	27	Germany,	"	gonorrhoea,	" 2	do	do
C Pierce	47	New Hampshire,	"	dysentery,	" 6	do	do
J Tomlinson	55	New York,	"	Panama fever,	June 28	dead,	do
A Logan	22	Nova Scotia,	"	do	July 16	cured,	do
R Torrence	34	Scotland,	"	diarrhoea,	" 21	dead,	do
J R Higginman	19	New York,	"	do	" 13	cured,	do
J P Smith	26	Pennsylvania,	"	Panama fever,	June 28	dead,	do
J Bruce	24	Ireland,	"	dysentery,	July 9	do	do
J H Tong	25	Baltimore,	"	28 diarrhoea,	Aug. 12	cured,	do
Wm Wallace	31	New York,	"	phthisis,	July 12	dead,	do
				rheumatism,		in hospital,	do

B Durfee	27 Prussia,	1852, June 28	ophthalmia,	1852, Aug. 11	cured,	City patient.
J Jones	31 do	"	rheumatism,	" 2	do	do
Ayet	38 China,	"	intermittent fever,	July 7	do	S M hospital.
M Fitzgerald	26 Ireland,	"	rheumatism,	" 3	do	City patient.
J Lewis	38 New York,	"	stricture,	" 14	do	do
Wm Green	43 London,	"	do	" 26	do	do
R Knight	23 Scotland,	"	hernia,	Aug. 20	do	do
W Andie	27 do	"	ophthalmia,	in hospital,	do	do
F Myres	38 Germany,	"	intermittent fever,	July 8	cured,	do
J Foster	55 England,	"	do	Aug. 2	dead,	do
D Andrea	44 Italy,	"	syphilis,	July 29	cured,	do
J Hallet	21 England,	"	intermittent fever,	" 28	do	do
J Truman	47 France,	"	rheumatism,	" 17	do	do
D White	40 Glasgow,	July 1	do	" 2	do	Pay patient.
J McDougall	27 do	"	syphilis,	Sept. 20	do	do
T Connington	22 Ireland,	"	delirium tremens,	July 7	do	City patient.
J Cunningham	24 do	"	rheumatism,	" 22	do	do
J Clarkson	23 New York,	"	intermittent fever,	" 6	do	do
E Hughs	31 Wales,	"	bronchitis,	" 11	do	do
A Henry	29 New York,	"	abscess,	Aug. 21	do	do
W Sawyer	23 Massachusetts,	"	intermittent fever,	July 2	do	do
W Lawrence	42 New York,	"	poisoned,	do	do	do
A Alvord	28 Mexico,	"	intermittent fever,	in hospital,	S M hospital.	
G Derbyshire	41 England,	"	rheumatism,	" 4	cured,	City patient.
F Milday	28 Hamburg,	"	do	" 20	do	do
A Chow	37 China,	"	indigestion,	" 8	do	S M Hospital.
Wm Hutchinson	27 Ireland,	"	typhoid fever,	Aug. 14	do	City patient.
P Sobasia	25 France,	"	intermittent fever,	July 26	do	do
N N Christian	28 New York,	"	do	Aug. 16	do	do
Chowkin	37 China,	"	abscess,	July 20	do	S M Hospital.
C Williams	19 Massachusetts,	"	intermittent fever,	July 16	do	City patient.

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
R White	22	Scotland,	1852, July	3 rheumatism,	1852, July 9	cured,	Pay patient.
G Williams	28	Wales,	"	syphilis,	Oct. 11	do	do
R McKinley	26	Ireland,	"	4 pneumonia,	Sept. 4	dead,	City patient.
D H Crosby	35	New York,	"	diarrhoea,	Aug. 5	do	do
J M Dunn	29	do	"	5 abscess,	Oct. 2	cured,	do
F Amott	40	France,	"	injury,	Aug. 22	do	do
A Gleason	24	Connecticut,	"	6 rheumatism,	July 21	do	do
L Andulzia	27	Chile,	"	syphilis,	Sept. 22	dead,	S M Hospital.
J H Ringold	42	Maryland,	"	7 ophthalmia,	Aug. 11	cured,	City patient.
J Purdon	30	New York,	"	Panama fever,	July 8	dead,	do
S McVicker	30	Canada,	"	dysentery,	" 18	do	do
J Maxwell	24	Ireland,	"	abscess,	" 14	cured,	S M Hospital.
G A Wall	22	Rhode Island,	"	general debility,	" 22	do	City patient.
P Robertson	18	Maine,	"	gun-shot wound,	Dec. 13	do	do
D Melond	21	do	"	Panama fever,	Aug. 27	do	do
Wm Dennis	29	New York,	"	abscess,	" 20	do	do
P Harper	26	Pennsylvania,	"	dysentery,	Oct. 22	dead,	do
L Klampf	33	Germany,	"	abscess,	" 12	cured,	do
P T' Class	33	New Jersey,	"	8 general debility,	July 10	do	do
Wm B Brown	32	New York,	"	disease of kidneys	Aug. 8	do	do
M Fitzgerald	26	Ireland,	"	rheumatism,	July 13	do	do
J Wang	30	China,	"	intermittent fever,	" 16	do	S M hospital.
C Divine	36	Ireland,	"	do	Aug. 29	do	City patient.
Wm Robinson	54	Alabama,	"	diarrhoea,	July 9	do	do
J Buck	32	Vermont,	"	9 typhoid fever,	" 11	dead,	do
Wy Man	40	China,	"	scald,	" 29	cured,	S M Hospital.

E Chung	32	do	1852,	July	9 dropsy,	1852,	July	16	cured,	S M hospital.
A Hang	32	do	"	"	rheumatism,	"	"	28	do	do
Ge Hup	26	do	"	"	dropsy,	"	"	13	do	City patient.
J Van Brunt	31	Kentucky,	"	"	bilious fever,	"	"	14	do	do
J Baker	22	Boston,	"	"	abscess,	"	"	12	do	do
P Fontney	36	France,	"	"	10 bronchitis,	Aug. 10	do	do	do	S M Hospital.
F Kurtz	27	Germany,	"	"	abscess,	"	"	30	do	City patient.
J Dempsey	24	England,	"	"	intermittent fever,	July 17	do	do	do	do
J M Rose	25	New York,	"	"	Panama fever,	"	"	14	dead,	do
Wm Brown	21	Pennsylvania,	"	"	do	Aug. 17	cured,	do	do	do
G Taylor	27	Vermont,	"	"	do	"	"	19	do	do
H Knocknerer	28	Germany,	"	"	do	"	"	15	do	do
P Sherry	40	Ireland,	"	"	syphilis,	"	"	7	dead,	do
J Beckford	21	Vermont,	"	"	11 diarrhoea,	"	"	26	do	do
C F Bonfaute	20	New York,	"	"	12 intermittent fever,	July 21	cured,	do	do	do
D W Brown	27	do	"	"	diarrhoea,	Aug. 6	do	do	do	do
L Barnes	23	Ohio,	"	"	do	July 18	dead,	do	do	do
J Darn	32	Ireland,	"	"	do	"	cured,	do	do	do
Wm Gillim	42	do	"	"	intermittent fever,	"	20	do	do	do
T Nealin	27	do	"	"	Panama fever,	"	"	in hospital,	do	do
A Boots	22	Germany,	"	"	diarrhoea,	"	21	cured,	do	do
J Victor	22	France,	"	"	cholera,	"	13	dead,	do	do
B Conroy	25	Ireland,	"	"	diarrhoea,	"	"	do	do	do
E Duffy	29	Vermont,	"	"	ophthalmia,	"	24	cured,	do	do
L Carter	49	Poland,	"	"	bronchitis,	"	17	do	do	do
J Williams	29	Germany,	"	"	typhoid fever,	"	21	do	do	do
W Pike	23	do	"	"	intermittent fever,	Aug. 17	do	do	do	Pay patient.
A Cottan	40	England,	"	"	do	July 21	do	do	do	do
Wm Green	24	do	"	"	13 disease of heart,	"	"	do	do	do
J Robinson	36	do	"	"	asthma,	Aug. 3	dead,	do	do	do
Abdallah	30	Hindustan,	"	"	enlargem't of heart,	"	2	do	do	do

NAMES.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
J Purell	52 Ireland,	1852, July 13	injury,	1852, Aug. 7	cured,	City patient.
J O'Brien	26 Ohio,	"	ophthalmia,	" 17	do	do
C Thom	39 China,	"	dropsy,	" 3	dead,	S M Hospital.
Wm Willet	36 New York,	"	rheumatism,	July 26	cured,	City patient.
D Shannon	27 do	"	disease of lungs,	Sept. 3	dead,	do
J F Turner	39 France,	"	rheumatism,	July 15	cured,	S M Hospital.
A Rosas	22 Chile,	"	do	" 16	do	do
C Guillianson	48 France,	"	jaundice,	" 20	dead,	City patient.
M Pedro	48 Isle of France,	"	intermittent fever,	" 26	cured.	do
J Brown	45 England,	"	injury,	Aug. 16	do	Pay patient.
H Davis	29 Ireland,	" 14	do	July 31	do	City patient.
J McGinnis	30 do	"	ulcer,	" 29	do	do
P McGrath	22 do	"	bronchitis,	" 20	do	do
Wm Morgan	27 London,	"	intermittent fever,	" 18	do	do
S Clark	38 Ireland,	"	do	Aug. 17	do	do
H Smith	27 Hamburg,	"	rheumatism,	July 21	do	do
J Abana	20 Spain,	" 15	intermittent fever,	" 30	do	do
J Noel	29 Ireland,	"	injury to foot,	" 20	do	do
B Bower	22 New York,	"	intermittent fever,	Aug. 9	do	do
P Paulin	28 France,	"	abscess,	July 31	do	do
G Reinbert	27 do	"	typhoid fever,	Aug. 4	do	do
N Levalley	49 Rhode Island,	" 16	do	Sept. 2	dead,	do
J Fitzgerald	32 Massachusetts,	"	intermittent fever,	Aug. 27	cured,	do
W Gibson	19 New York,	"	syphilis,	July 17	do	do
F Blake	27 Ireland,	"	rheumatism,	Aug. 11	do	do
F Stell	24 England,	"	dropsy,	" 4	dead,	do

T Askev	1852, July 16	in hospital,	City patient.
27 New York,	diarrhœa,	cured,	do
27 Rhode Island,	do	do	do
23 Wales,	17 typhoid fever,	do	do
23 Massachusetts,	do	dead,	do
40 Switzerland,	do	cured,	do
22 England,	bilious fever,	do	do
22 France,	dysentery,	do	do
32 St. Domingo,	18 abscess,	do	do
40 France,	19 ulcer,	do	do
18 North Carolina,	diarrhœa,	do	do
50 Connecticut,	do	do	do
38 Virginia,	bilious fever,	do	do
34 Ireland,	phtisises	do	do
20 New Hampshire,	injury,	do	do
36 France,	20 dropsy,	do	do
40 China,	do	do	do
52 do	scurvy,	do	do
36 do	do	do	do
19 do	dropsy,	do	do
35 do	rheumatism,	do	do
45 do	constipation,	do	do
29 do	diarrhœa,	do	do
24 Ohio,	typhoid fever,	do	do
20 Vermont,	diarrhœa,	do	do
25 Ohio,	do	do	do
21 do	21 paralysis,	do	do
20 China,	ulcer,	do	do
45 France,	intermittent fever,	do	do
42 do	diarrhœa,	do	do
27 Dublin,	do	do	do
22 Germany,			
1852, Aug. 23	in hospital,	cured,	City patient.
July 27	do	do	do
" 24	do	do	do
" 27	do	do	do
Aug. 2	do	do	do
" 4	do	do	do
July 22	do	do	do
" 28	do	do	do
" 20	do	do	do
Aug. 3	do	do	do
July 29	do	do	do
" 22	do	do	do
Aug. 15	do	do	do
July 29	do	do	do
" 23	do	do	do
" 26	do	do	do
Aug. 2	do	do	do
July 24	do	do	do
" 26	do	do	do
" 29	do	do	do
Aug. 30	do	do	do
" 11	do	do	do
Sept. 13	do	do	do
Dec. 4	do	do	do
Aug. 16	in hospital,	cured,	S M Hospital.
July 26	do	do	do
" 23	do	do	do
Aug. 9	do	do	do

G P Camille	1852, July 24 ulcer,	1852, Aug. 14	City patient.
Wm Roberts	" typhoid fever,	" do	do
Laquassait	" do	July 27	do
P Lawler	" diarrhoea,	" 24	do
A Napier	" wound,	Sept. 30	Pay patient.
J Morphew	" 26 dropsy,	July 28	do
P Murphey	" rheumatism,	Aug. 10	do
P Daransea	" gun shot wound,	" 16	City patient.
M Carval	" intermittent fever,	July 30	do
C Page	" injury,	Sept. 14	do
L P Brown	" Panama fever,	Aug. 29	do
J McAlleay	" tetanus,	" 5	do
T Lusk	" do	Sept. 26	do
J Signell	" intermittent fever,	July 31	do
J McCarty	" do	Aug. 5	do
C Arney	" typhoid,	in hospital,	do
J P Gray	" bilious fever,	Aug. 4	do
Aba	" dropsy,	" 3	S M Hospital.
Abu	" do	July 29	do
P. W.	" do	Aug. 2	do
J P. W.	" 27 intermittent fever,	" 4	City patient.
C. W.	" do	" 7	do
J S W. Laid	" do	" 7	do
J Kachian	" do	Aug. 4	do
Yung Gee	" do	" 6	do
Wong Lee	" do	" 9	S M Hospital.
Le Ki Lin	" do	July 31	do
Le Yung Cheng	" do	Aug. 2	do
Le Ki Lam	" do	July 29	do
Peter St. Hil	" do	Aug. 21	do
Hong Izang	" intermittent fever,	in hospital,	City patient.
	" typhoid fever,	Aug. 2	S M Hospital.

NAMES.	Age	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
J Lagissairt	26	France,	1852, July 27	typhoid fever,	1852, July 31	dead,	City patient.
Ar-Wine	37	China,	"	disease of heart,	" 29	do	S M Hospital.
Wm Holden	34	Rhode Island,	"	general debility,	" 31	cured,	City patient.
J Moloy	31	Ireland,	"	injury to hand,	Aug. 9	do	do
W Edmonson	32	Finland,	"	wound,	" 10	dead,	do
C Short	25	Ireland,	"	intermittent fever,	" 20	cured,	do
L Numberg	22	Germany,	"	diarrhoea,	" 30	do	do
N Handley	28	Ireland,	"	intermittent fever,	" 11	do	do
S Jefferson	22	New York,	"	do	" 19	do	do
L Walton	28	Ireland,	"	do	" 4	do	do
J Hernandes	26	Florida,	"	delirium tremens,	" 30	do	do
Achow	30	China,	"	paralysis,	"	dead,	S M Hospital.
J Levon	31	do	"	swelled testis,	" 11	cured,	do
An-Gen	33	do	"	cholera,	" 6	dead,	do
Hong-Hoy	39	do	"	dropsy,	July 30	do	do
Mrs W Murry	30	Ireland,	"	cholera,	Aug. 30	do	do
L Eaton	26	Boston,	"	gun-shot wound,	July 30	do	City patient.
J Winn	30	Vermont,	"	intermittent fever,	Aug. 15	cured,	do
Chow	34	China,	"	dropsy,	" 4	do	S M hospital.
An-Hin	30	do	"	swelled testis,	" 6	do	do
J Morrell	23	Germany,	"	rheumatism,	" 16	do	City patient.
E F Dume	17	New York,	"	typhoid fever,	" 12	do	do
L Murphy	24	Ireland,	"	dyspepsia,	" 31	do	do
J Darren	34	do	"	fistula,	Nov. 3	do	do
E J Muson	43	Boston,	"	rheumatism,	Aug. 11	do	do
H M Fay	31	New York,	"	general debility,	" 9	do	do

P Cassidy	31 Ireland,	1852, July 31	intermittent fever,	Aug. 2	cured,	City patient.
J Cunningham	24 do	"	diarrhoea,	Sept. 4	do	do
G W James	25 Connecticut,	"	dysentery,	Oct. 12	do	do
An-Cow	31 China,	"	disease of throat,	Nov. 12	do	S M Hospital.
Wm Blangdon	33 Ireland,	Aug. 1	ophthalmia,	Aug. 15	in hospital,	City patient.
Chick-Tuck	36 China,	" 2	rheumatism,	Aug. 29	cured,	S M Hospital.
Wm Paronndrick	24 New Brunswick,	"	bilious fever,	Dec. 19	dead,	City patient.
A Johnson	27 New York,	"	disease of lungs,	Aug. 4	cured,	do
Ayet	32 China,	"	diarrhoea,	" 26	do	do
E J Hartlings	25 Ohio,	"	syphilis,	" 16	do	do
J B Pencels	28 France,	"	injury to foot,	" 7	do	do
T Manson	22 Norway,	"	bilious fever,	" 8	do	do
A Rice	47 Prussia,	"	intermittent fever,	Sept. 10	do	do
J Conally	27 Ireland,	"	fistula,	Aug. 20	dead,	do
J Backster	40 do	"	cholera,	" 3	do	S M Hospital.
C Malo	30 Chile,	"	disease of lungs,	" 26	cured,	do
J F Farnier	39 France,	"	3 ulcer,	" 29	do	City patient.
Mrs M Rowless	31 Ireland,	"	rheumatism,	" 6	do	S M Hospital.
Ahon	25 China,	"	do	" 13	dead,	do
Assing	38 do	"	dropsy,	Oct. 24	cured,	City patient.
B Gant	24 Baltimore,	"	burn,	Aug. 3	dead,	do
A Miller	23 Philadelphia,	"	cholera,	" 8	cured,	do
J D B Pine	27 France,	"	stricture,	" 16	do	do
J Cast	51 do	"	fever,	" 20	do	S M hospital.
Chang Hel	41 China,	"	syphilis,	" 12	do	do
L Alvares	24 Chile,	"	injury,	Sept. 2	do	do
Want Luck	44 China,	"	dropsy,	Aug. 11	dead,	do
Ka-Hin	38 do	"	do	" 23	cured,	do
Ar-Pon	32 do	"	do	" 19	do	City patient.
B Bier	38 Germany,	"	do		in hospital,	do
S Bolifonda	37 France,	"	4 typhoid fever,			

NAMES.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
		1852, Aug.	4 Panama fever,	1852, Sept. 7	cured,	City patient.
G Day	27 Maine,	"	rheumatism,	Aug. 15	do	do
N Jackson	43 Cape de Verdes,	"	eryngitis,	" 12	do	do
S Carnon	28 New York,	"	intermittent fever,	" 9	do	do
A Garfield	28 Sweden,	"	injury,	" 22	do	do
E Harton	26 New York,	"	ulcer,	" 9	do	do
P Davis	66 Rhode Island,	"	Panama fever,	Sept. 20	do	do
J Riley	24 New York,	"	do	Aug. 16	do	do
J Rausk	21 Ireland,	"	do	" 7	do	do
P Daily	20 do	"	5	" 8	do	do
J Christian	21 Norway,	"	rheumatism,	Sept. 16	do	do
W B Dickinson	31 Pennsylvania,	"	Panama fever,	Aug. 19	do	do
R Crosby	31 Ireland,	"	do	" 16	do	do
A D Boing	35 France,	"	do	" 6	do	do
S Nickerson	27 Ireland,	"	dysentery,	" 13	do	do
J Nelson	21 New York,	"	intermittent fever,	" 14	do	do
Long Chi	28 China,	"	intermittent fever,	" 17	do	do
G Wallford	26 Germany,	"	intermittent fever,	" 6	do	S M hospital.
J French	40 Canada,	"	do	Sept. 3	dead,	City patient.
T Deavaux	29 Ohio,	"	6 swollen testis,	Oct. 11	cured,	do
J D Miller	26 Michigan,	"	dysentery,	" 7	do	do
J Friend	26 Switzerland,	"	Panama fever,	Aug. 16	do	do
H Bernitt	25 Ireland,	"	dysentery,	" 23	do	do
N Lemmiche	27 do	"	intermittent fever,	" 8	do	do
AGenson	22 Norway,	"	intermittent fever,	" 11	do	do
RA Mead	21 Massachusetts,	"	intermittent fever,	" 22	do	do
J Pilloit	21 New York,	"	intermittent fever,	" 22	do	do

	1852, Aug.	1853, Aug. 11	cured,	City patient.
J Gun	31 Germany,	"	do	do
J A Carmohan	25 Ireland,	"	do	do
Kim Tel	27 China,	Oct. 20	do	S M hospital
Song Key	33 do	Aug. 16	do	do
T Williams	25 New York,	" 24	do	do
M J Ryan	28 Ireland,	" 9	dead,	City patient.
D Brown	30 do	" 27	cured,	do
J Madden	22 do	" 23	do	do
G Thompson	32 New York,	" 24	do	do
P Glynn	30 Ireland,	" 17	do	do
G A Clarkson	22 do	" 13	do	do
J Mayard	23 New Grenada,	" 28	do	do
D Clark	39 Connecticut,	" 11	do	do
T Murphy	22 New York,	" 21	do	do
E Daley	40 Illinois,	Oct. 4	do	do
Wm Ford	21 Baltimore,	Aug. 16	do	do
J Collins	28 Ireland,	" 28	cured,	do
J M Atteart	35 do	Sept. 12	do	do
D Ryan	36 do	Aug. 16	do	do
M Washburn	23 Massachusetts,	Oct. 11	do	do
J Clement	40 France,	Aug. 18	do	do
D Hall	53 Illinois,	" 11	do	do
J Mooney	40 Ireland,	Sept. 9	dead,	do
G Dougherty	24 do	" 4	cured,	do
Le Cheav	23 China,	Aug. 19	do	S M hospital.
Le Cheav	11 do	" 9	do	do
Le Cheav	3 do	" 12	dead,	do
Le Cheav	25 do	" 11	do	do
Lang Cheav	22 do	"	in hospital,	do
J A C Chath	27 Ireland,	" 23	cured,	do
F Jones	25 do	" 17	do	City patient.

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J McDonald	28	Scotland,	1852, Aug. 11	intermittent fever,	1852, Aug. 21	cured,	City patient.
B Smith	38	do	"	rheumatism,	"	in hospital,	do
A T Bowl	38	Massachusetts,	"	injury,	Dec. 23	cured,	do
P Zachrison	28	Germany,	"	diarrhoea,	Aug. 31	dead,	do
C Whitney	21	New York,	"	ulcer,	" 29	cured,	do
J Ludlow	40	New Jersey,	"	wound,	" 18	dead,	do
D Desic	30	France,	"	ulcer,	Sept. 2	cured,	S M Hospital.
F Pierce	21	London,	"	dysentery,	Aug. 23	do	City patient.
G S Lewis	34	France,	"	ferunculas	" 15	do	S M hospital.
J Rooney	37	Germany,	"	typhoid fever,	" 31	dead,	City patient.
Wm Blacknell	22	Long Island,	"	intermittent fever,	" 17	cured,	do
T Waters	24	Ireland,	"	ulcer,	Oct. 2	do	do
R McKibben	40	New York,	"	pneumonia,	Aug. 20	do	do
B Garcia	29	France,	"	ulcer,	Sept. 24	do	S M hospital.
J McCarley	42	New York,	"	dropsy,	"	in hospital,	City patient.
D Maher	26	Ireland,	"	intermittent fever,	Aug. 30	cured,	do
A Esckman	28	Sweden,	"	syphilis,	Oct. 9	dead,	S M hospital.
Aching	28	China,	"	dropsy,	Aug. 29	do	do
N Francis	21	New York,	"	typhoid fever,	Sept. 17	cured,	City patient.
P Horn	27	Germany,	"	abscess,	" 11	do	do
Wm King	23	England,	"	intermittent fever,	"	do	do
A Eckenstine	22	Sweden,	"	do	Aug. 18	do	do
P Daily	20	Ireland,	"	rheumatism,	" 26	do	do
S Comstock	28	New York,	"	do	" 21	do	do
F Lafoulan	30	France,	"	do	" 14	do	do
J Durn	32	Ohio,	"	13 dysentery,	" 23	do	do

C Sylvester	34 France,	1852, Aug. 13	Panama fever,	2852, Aug. 19	cured,	City patient.
J O'Brine	40 Ireland,	"	intermittent fever,	" 22	do	do
L Dusine	30 France,	"	diarrhœa,	" 21	dead,	do
F Levana	22 do	"	intermittent fever,	" 23	cured,	do
M Tyler	26 Baltimore,	"	typhoid fever,	" 23	do	do
J Gage	37 New Hampshire,	"	general debility,	" 17	in hospital,	do
W Smith	21 Norway,	"	intermittent fever,	" 21	cured,	do
H Smith	32 Germany,	"	do	" 21	do	do
Fonstine	26 France,	"	do	" 19	do	do
J Fusion	18 Boston,	"	do	" 16	do	do
Chin Afoo	24 China,	"	14 dropsy,	"	dead,	S M Hospital.
Tan Cow	38 do	"	do	"	in hospital,	do
Mon Mow	36 do	"	do	"	do	do
Lin Lum	25 do	"	rheumatism,	"	do	do
R Feedman	23 England,	"	typhoid fever,	Aug. 21	cured,	City patient.
J Kirby	32 Ireland,	"	do	Sept. 8	do	do
M Conroy	42 do	"	do	"	do	do
R Richardson	37 Maine,	"	disease of lungs,	Aug. 7	do	do
J Blanchar	33 France,	"	scurvy,	Aug. 24	do	do
Deleschun	24 do	"	infl. of stomach,	" 16	do	do
J Lessang	31 do	"	do	"	do	do
Ar-Hin	21 China,	"	dropsy,	Sept. 22	dead,	do
J Toung	39 London,	"	typhoid fever,	Aug. 17	cured.	S M hospital.
T Gray	36 Philadelphia,	"	injury,	" 23	do	Pay patient.
F Berger	24 France,	"	dropsy,	" 20	do	City patient.
J M Massy	34 Maryland,	"	15 general debility,	" 19	dead,	do
G Curtis	34 Massachusetts,	"	scurvy,	Sept. 9	cured,	do
J P Grace	27 Ireland,	"	fever,	Aug. 29	do	do
H P Prayal	29 Germany,	"	16 Panama fever,	Sept. 4	do	do
Maria Kinny	14 Ireland,	"	disease of lungs,	Oct. 1	do	do
J Hanna	19 Massachusetts,	"	intermittent fever,	Aug. 11	dead,	do
				Sept. 9	cured,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Pinter	23	England,	1852, Aug. 16	intermittent fever,	1852, Aug. 21	cured,	Pay patient,
Arho	43	China,	"	dropsy,	" 23	do	S M hospital.
Anom	28	do	"	disease of heart,	" 22	dead,	do
Acia	26	do	"	dropsy,	" 17	do	do
J Kunhell	19	Germany,	"	fever,	" 28	cured,	City patient.
L Jenamins	21	Peru,	"	injury to hand,	" 19	do	do
J Canada	27	New York,	"	diarrhoea,	" 22	do	do
Antonio	24	Chile,	"	typhoid fever,	" 28	dead,	do
J Henery	22	Ireland,	"	diarrhoea,	" 23	cured,	do
J Puhler	28	New York,	"	Panama fever,	" 21	do	do
H Dryden	20	Ohio,	"	do	" 17	dead,	do
C Gaudier	31	France,	"	ulcer,	"	in hospital,	do
T Fitzpatrick	45	Dublin,	"	dysentery,	" 21	cured,	do
J Hunt	19	Jamaica,	"	syphilis,	Sept. 12	do	do
Iayng Cour	29	China,	"	dropsy,	Aug. 30	dead,	S M Hospital.
Loe Chow	32	do	17	do	" 28	cured,	do
Mock Chee	23	do	"	do	" 27	do	do
Tan Mun	23	do	"	disease of heart,	" 21	do	do
Tan Tuck	26	do	"	dropsy,	Sept. 3	do	do
J Maher	23	Ireland,	"	typhoid fever,	Sept. 28	dead,	do
T C White	45	"	"	rheumatism,	Aug. 28	cured,	City patient.
Helen White	34	Germany,	"	ophthalmia,	"	do	do
J Frederick	38	Prussia,	"	ulcerated leg,	Sept. 16	do	do
T Larilty	29	Louisiana,	"	injury to leg,	Dec. 2	do	do
J Fellipo	47	France,	"	do	Aug. 23	dead,	do
Wm Jones	34	New York,	"	ophthalmia,	" 26	do	do

E Schoeffler	31 France,	1852, Aug. " 17	intermittent fever,	1852, Aug. 29	cured,	City patient.
Assing	26 China,	" " 18	dropsy,	" 18	dead,	S M Hospital.
Fucking	27 do	" " 18	do	Sept. 3	cured,	do
Assing	42 do	" " 18	do	Aug. 27	do	do
Ahoy	18 do	" " 18	do	" "	do	do
Mrs M Allen	26 Ireland,	" " 18	rheumatism,	" 30	do	City patient.
T M Cook	40 Nova Scotia,	" " 18	typhoid fever,	" 18	dead,	do
P Davis	14 Chile,	" " 18	intermittent fever,	" 23	cured,	do
J John	25 New York,	" " 18	rheumatism,	Sept. 19	in hospital,	do
J B Fogg	25 New Hampshire,	" " 18	injury to foot,	Aug. 29	cured,	do
S Moore	32 Ireland,	" " 18	syphilis,	" 19	do	do
M Field	25 New York,	" " 18	disease of lungs,	" 27	do	do
J Finn	27 Ireland,	" " 18	intermittent fever,	" "	do	do
J McCarty	34 do	" " 18	do	" 26	do	do
R Morrison	19 Canada,	" " 18	Panama fever,	" "	do	do
W Weasman	32 Sweden,	" " 18	intermittent fever,	" "	do	do
W Brown	37 Massachusetts,	" " 18	disease of chest,	" 28	dead,	do
R Couples	18 Scotland,	" " 18	intermittent fever,	" 23	cured,	do
J Williams	29 Germany,	" " 18	do	Sept. 26	do	do
Mahomet	19 Hong Kong	" " 18	disease of heart,	Aug. 28	in hospital,	Pay patient.
Sing Sow	31 China,	" " 18	21 dropsy,	Sept. 2	dead,	S M Hospital.
Ar-Hin	31 do	" " 18	do	" "	cured,	do
Cock Fook	32 do	" " 18	do	" "	do	do
Leangres	42 France,	" " 18	typhoid fever,	" 28	dead,	do
P Henry	26 do	" " 18	intermittent fever,	" 24	cured,	do
T Donally	24 Dublin,	" " 18	typhoid fever,	Aug. 26	do	City patient.
G H Porter	15 Philadelphia,	" " 18	intermittent fever,	" 23	do	do
J Galloby	48 Ireland,	" " 18	rheumatism,	Sept. 6	do	do
G Little	45 do	" " 18	intermittent fever,	Aug. 28	do	do
D Alphonso	29 France,	" " 18	do	" 24	do	S M Hospital.
J Carman	24 New York,	" " 18	general debility,	" 23	do	City patient.

NAMES.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
Le Ping Poy	28 China,	1852, Aug. 23	disease of heart,	1852, Aug. 27	dead,	S M Hospital,
D Smith	32 Pennsylvania,	"	intermittent fever,	" 29	cured,	do
R Assing	22 China,	"	rheumatism,	" 30	do	City patient.
S F Headly	30 Pennsylvania,	"	general debility,	Sept. 14	do	S M Hospital.
J Moran	27 do	"	dropsy,	" 22	dead,	City patient.
Wm Morgan	21 England,	"	ulcer,	Aug. 29	cured,	do
A Wagner	26 Germany,	"	syphilis,	Sept. 28	do	do
C Drocket	do	"	eruption,	" 5	do	do
S C Ayres	48 Massachusetts,	"	fracture,	" 11	do	do
G Reed	29 Ireland,	"	diarrhoea,	Aug. 28	do	do
R Lindo	28 London,	"	intermittent fever,	Sept. 12	do	do
Lin Chow	35 China,	"	scurvy,	"	in hospital,	S M Hospital.
T Barry	26 Dublin,	"	dysentery,	" 4	dead,	City patient.
Ting Quoy	26 China,	"	rheumatism,	" 29	cured,	S M Hospital.
A Brown	25 Austria,	"	eruption,	Aug. 28	do	do
J Garrine	35 France,	"	rheumatism,	" 24	do	City patient.
W Brown	21 Pennsylvania,	"	Panama fever,	Sept. 18	dead,	do
Assine	28 China,	"	disease of lungs,	" 27	do	S M Hospital.
P Borden	36 France,	"	ulcer,	Aug. 31	cured,	do
Along	42 China,	"	dropsy,	" 28	do	do
M Holmes	28 England,	"	diarrhoea,	" 30	do	City patient.
W Andrews	28 New York,	"	Panama fever,	" 27	dead,	do
A Lileaur	28 France,	"	ulcer,	Oct. 12	cured,	do
W Roberts	22 England,	"	diarrhoea,	Aug. 28	do	do
C Tripchar	37 France,	"	fracture,	"	in hospital,	do
J Griffith	21 England,	"	syphilis,	Sept. 28	cured,	do

A K Randall	47 Massachusetts,	1852, Aug. 24	cholera,	1852, Aug. 28	cured,	City patient.
C H Camphfield	20 New Jersey,	"	25 intermittent fever,	Sept. 15	do	do
J J Miller	33 France,	"	do	" 2	do	do
D Carey	27 Nova Scotia,	"	disease of throat,	Oct. 26	do	do
J Williams	24 Connecticut,	"	25 Panama fever,	Sept. 2	do	do
H Webber	21 Germany,	"	do	Aug. 28	dead,	do
H Johnson	45 Denmark,	"	typhoid fever,	Oct. 9	do	do
J Barry	26 Ireland,	"	intermittent fever,	Aug. 28	cured,	do
Chuck Nug	34 Hong Kong,	"	diarrhea,	" 29	dead,	S M hospital.
Long Jee	34 do	"	rheumatism,	Sept. 10	cured,	do
A Collison	42 Scotland,	"	diarrhea,	Aug. 31	do	City patient.
P Powell	50 Ireland,	"	Panama fever,	Aug. 29	dead,	do
T McGuire	25 do	"	syphilis,	Oct. 20	do	do
R H Smith	21 England,	"	do	Sept. 4	cured,	do
J McBean	29 Scotland,	"	27 Panama fever,	"	do	do
J Brown	19 do	"	typhoid fever,	" 2	dead,	do
Along	29 China,	"	dysentery,	"	do	S M Hospital.
Chas Con	28 New York,	"	diarrhea,	Sept. 18	in hospital,	City patient.
J Loyd	29 Germany,	"	eruption,	Aug. 29	cured,	do
Wm H Neal	23 Pennsylvania,	"	Panama fever,	Sept. 28	do	do
W Leary	21 Ireland,	"	abscess,	" 2	do	do
E P Wise	35 New York,	"	intermittent fever,	Aug. 30	do	do
P Wise	35 do	"	do	"	do	do
Annett Wise	4 do	"	do	"	do	do
C Wise	2 do	"	do	Sept. 2	do	S M hospital.
F Danard	40 Chile,	"	typhoid fever,	Aug. 30	dead,	do
A Kohan	44 China,	"	Panama fever,	Sept. 14	cured,	do
W Martin	20 Ireland,	"	general debility,	Nov. 20	do	do
Kin-Ahlee	25 China,	"	abscess,	Sept. 30	do	do
Wong-Chong	42 do	"	ædema,	Aug. 29	dead,	do
Low-She-Tong	27 do	"				

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
B Callahan	35	Ireland,	1852, Aug. 28	Panama fever,	1852, Sept. 3	cured,	City patient.
J Callahan	3	do	"	do	"	do	do
T Callahan	10	do	"	do	"	do	do
J Callahan	8	do	"	do	"	do	do
W Callahan	5	do	"	do	"	do	do
W Burk	29	do	"	29 diseases of lungs,	Sept. 24	do	S M hospital.
M Chandler	42	England,	"	30 intermittent fever,	" 7	do	Pay patient.
J Gilchrist	28	do	"	rheumatism,	"	do	do
J Fisk	37	Massachusetts,	"	typhoid fever,	" 6	dead,	City patient.
Ching-Chong	28	China,	"	cholera,	" 1	do	S M Hospital.
Wang-Song	24	do	"	dropsy,	Nov. 25	cured,	do
Ah-Lee	31	do	"	do	Sept. 5	do	do
L Alphonse	40	France,	"	delirium tremens,	" 2	do	do
J Chesson	28	Massachusetts,	"	intermittent fever,	" 7	do	do
J Adams	30	Scotland,	"	rheumatism,	Oct. 1	do	City patient.
A McLean	28	Hamburg,	"	fracture,	Sept. 15	do	do
J Frick	27	Pennsylvania,	"	Panama fever,	" 13	do	do
R Dempsey	27	Ireland,	"	remittent fever,	" 4	do	do
H Riley	54	do	"	do	" 7	do	do
L Vanseul	23	Chile,	"	swelled testis,	" 2	do	do
B Adolph	27	France,	"	cholera,	" 1	dead,	do
Te-Hong-Chee	35	China,	" 31	do	Nov. 8	do	S M hospital.
W Dennis	29	New York,	"	gun-shot wound,	Sept. 8	cured,	City patient.
J Collins	45	Maryland,	"	typhoid fever,	" 10	do	do
J Freeman	26	Hamburg,	"	ulcer,	" 6	do	do
J Sherridan	24	Ireland,	"	intermittent fever,	" 11	do	do

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J A Zimmerman	37	Denmark,	1852, Sept.	Panama fever,	1852, Sept 5	cured,	City patient.
J McGardney	28	Ireland,	"	do	" 28	do	do
Wm Robinson	26	New York,	"	cholera,	" 6	dead,	do
P Gallagher	21	Ireland,	"	intermittent fever,	" 22	cured,	do
Mrs S Wood	40	do	"	do	" 11	do	do
R Gallagher	32	do	"	abscess,	" 10	do	do
Laguart	24	France,	"	typhoid fever,	" 21	do	do
J Grooe	23	Germany,	"	diarrhœa,	" 6	dead,	do
F Dowd	40	Chile,	"	cholera,	" 8	do	S M hospital.
Afook	28	China,	"	dropsy,	" 14	cured,	do
T C Witte	45	Germany,	"	rheumatism,	" 11	do	City patient.
T Addis	34	California,	"	typhoid fever,	Oct. 11	dead,	do
J Riley	33	Connecticut,	"	intermittent fever,	" 19	cured,	do
P Riley	29	Ireland,	"	Panama fever,	Sept. 6	dead,	do
Eli Harrison	22	England,	"	do	" 20	cured,	do
P Laggait	21	Ireland,	"	do	Nov. 22	do	do
E Williams	25	England,	"	do	Sept. 14	do	do
J Jewell	27	do	"	do	Dec. 16	do	do
P Lafferty	42	Ireland,	"	do	Sept. 11	dead,	do
M Curran	23	do	"	do	Oct. 6	cured,	do
P Hemassy	32	do	"	do	" 1	do	do
F Russell	40	Massachusetts	"	do	" 26	do	do
P Santoy	27	Ireland,	"	intermittent fever,	" 6	do	do
B Barer	35	Germany,	"	Panama fever,	" 7	dead,	do
P Tully	19	Pennsylvania,	"	ulcer,	" 6	cured,	do
Aton	23	China,	"	do	Nov. 21	do	S M hospital.

	1852, Sept.	6 burn, fever,	1852, Oct.	4 cured, do in hospital,	S M Hospital.
Atong	"		25	do	do
A Warton	"			do	do
Ar Fee	"	disease of heart,	Sept. 29	cured,	Pay patient.
H Davis	"	7 stricture,	Nov. 26	dead,	do
D Thomas	"	scurvy,	Oct. 7	cured,	City patient.
J Gould	"	abscess,	" 10	do	do
J O'Brine	"	Panama fever,	Sept. 16	dead,	do
Mrs M Keef	"	do	" 9	do	do
Wm Schordon	"	do		do	do
J Foin	"	intermittent fever,	Oct. 4	cured,	do
J Hallet	"	rheumatism,	Sept. 9	do	do
M Kavankin	"	injury,	" 25	do	do
Wong Long	"	rheumatism,	" 29	do	S M Hospital.
Assay	"	cholera,	" 11	dead,	do
Chock Chow	"	rheumatism,	" 16	cured,	do
J Lindross	"	injury,	" 27	do	City patient.
J McDougal	"	8 Panama fever,	" 14	do	do
J Mead	"	do	Oct. 27	do	do
D Johnson	"	ædema,	" 6	do	do
M Harrigan	"	injury,	Nov. 22	do	do
Wm Welden	"	Panama fever,	Sept. 17	do	do
J Mellus	"	do	"	do	do
N Mellus	"	do	"	do	do
J Winn	"	intermittent fever,	" 25	do	do
D Hanson	"	Panama fever,	" 23	do	do
F Le Mair	"	do	" 15	do	do
A Williams	"	do	" 10	dead,	do
A-Hoy	"	dropsy,	" 16	cured,	S M hospital.
T Funy	"	Panama fever,	" 17	do	do
J Coptell	"	dysentery,	Oct. 12	do	City patient.
J Monpert	"	do	Sept. 13	do	do

NAMES.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
T Dixon	23 Ireland,	1852, Sept.	S intermittent fever,	1852, Sept. 16,	cured,	City patient.
J Berry	30 Arkansas,	"	typhoid fever,	" 10,	dead,	do
R Henegage	57 Boston,	"	9 diarrhoea,	" 15,	do	do
J Welch	25 Ireland,	"	general debility,	" 12,	cured,	do
V Leathers	22 New Hampshire,	"	intermittent fever,	"	in hospital,	do
H Butler	27 Louisiana,	"	10 injury,	Oct. 5,	cured,	do
W Wolf	21 New York,	"	diarrhoea,	Sept. 11,	dead,	do
V Klein	26 France,	"	ulcer,	Oct. 18,	cured,	do
T Fox	22 Ireland,	"	intermittent fever,	Sept. 24,	do	do
F Lawson	22 Sweden,	"	typhoid fever,	" 22,	do	do
G N Bolt	40 France,	"	intermittent fever,	" 28,	do	do
F Riley	27 Ireland,	"	bilious fever,	" 29,	do	do
P Regan	27 do	"	do	" 20,	do	do
W Sale	22 Scotland,	"	intermittent fever,	" 14,	do	do
Lo Kong	29 China,	"	dropsy,	" 17,	dead,	S M hospital.
J Wells	45 England,	"	intermittent fever,	" 15,	cured,	Pay patient.
E McIntyre	30 Scotland,	"	asthma,	Dec. 1,	do	do
J Doody	31 Ireland,	"	typhoid fever,	Sept. 14,	dead,	S M hospital.
E Hughes	25 England,	"	do	" 28,	cured,	do
Arbong	27 China,	"	rheumatism,	"	in hospital,	do
S Christian	25 England,	"	do	Sept. 12,	cured,	do
Chin Won	23 China,	"	dropsy,	Oct. 6,	dead,	do
N Powusand	22 New York,	"	diarrhoea,	Sept. 14,	cured,	City patient.
P Hays	28 Ireland,	"	11 Panama fever,	Nov. 15,	do	do
J Hailey	26 Ohio,	"	do	"	in hospital,	do
A Edwards	33 South Carolina,	"	intermittent fever,	Sept. 24,	cured,	do

J W Rose	40 Virginia,	1852, Sept. 11	intermittent fever,	do	Oct. 1	in hospital,	City patient.
John Bates Hurley	14 Massachusetts,	"	do	do	1852, Oct. 1	cured,	do
J B Steward	32 Georgia,	"	general debility,	do	Sept. 11	do	do
T Hurley, sen.	37 Ireland,	"	rheumatism,	do	Oct. 25	do	do
T Hurley, jr.	17 Massachusetts,	"	general debility,	do	" 21	do	do
T Maher	22 Ireland,	"	Panama fever,	do	Dec. 11	dead,	do
W Looney	24 do	"	intermittent fever,	do	Oct. 1	cured,	do
J M Gladdin	35 Ohio,	"	Panama fever,	do	Nov. 15	do	do
A P Brechholdt	36 Denmark,	"	general debility,	do	Sept. 19	in hospital,	S M hospital.
P M Victor	22 France,	"	typhoid fever,	do	Oct. 1	cured,	City patient.
L Dennis	22 Ohio,	"	do	do	Sept. 18	dead,	do
R McCloud	43 South Carolina,	"	Panama fever,	do	" 26	cured,	do
A Steward	43 Georgia,	"	typhoid fever,	do	" 23	do	S M Hospital.
Choo-Hoon	40 China,	"	rheumatism,	do	" 20	do	City patient.
E Green	21 Long Island,	"	fever,	do	" 19	in hospital,	do
C D Deville	35 France,	"	intermittent fever,	do	" 18	cured,	Pay patient.
J Smith	24 Scotland,	"	12 rheumatism,	do	Nov. 29	dead,	S M hospital.
Atoy	24 China,	"	do	do	" 13	cured,	City patient.
R Burford	35 Ireland,	"	cholera,	do	Sept. 21	dead,	do
C E Dolitz	34 France,	"	intermittent fever,	do	" 25	cured,	do
Mc McGrath	52 Ireland,	"	Panama fever,	do	" 24	do	do
B R Hatch	20 Maine,	"	do	do	Nov. 23	do	do
J Hull	17 New York,	"	do	do	Dec. 27	dead,	do
N Phillips	24 Maryland,	"	do	do	" 9	cured,	do
J McCarr	45 Ireland,	"	paralysis,	do	Sept. 21	do	do
Mrs Thompson	48 London,	"	intermittent fever,	do	" 14	dead,	do
Wm Rollins	25 New Hampshire,	"	14 cholera,	do	" 28	cured,	do
W Colbert	23 Indiana,	"	intermittent fever,	do	Oct. 20	do	do
C W Bartlett	29 Maine,	"	remittent fever,	do	Sept. 27	do	do
S Stapleton	22 New York,	"	Panama fever,	do			
J McLean	26 Scotland,	"					

NAMES.	Age	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
G Gallois	24	France,	1852, Sept. 14	intermittent fever,	1852, Sept. 29	cured,	City patient.
Chong Atae	29	China,	"	scorbutis,	" 21	dead,	S M hospital.
P Collins	26	Ireland,	"	intermittent fever,	" 28	cured,	City patient.
Lammaraux	24	France,	"	do	Oct. 10	do	do
J Welch	25	Ireland,	"	epilepsy,	"	do	do
Miss H Lara	30	do	"	15 Panama fever,	Sept. 16	dead,	do
J Ryder	37	Long Island,	"	general debility,	" 17	cured,	do
M Show	38	Ireland,	"	ferunculus	" 28	do	do
McDonald	26	do	"	general debility,	Oct. 7	do	do
J McMullin	20	do	"	intermittent fever,	" 8	do	do
Wm T Gould	28	Maine,	"	rheumatism,	" 29	do	do
A H Lung	26	China,	"	cholera,	Sept. 21	dead,	S M Hospital.
F Holland	47	Ireland,	"	Panama fever,	Nov. 3	cured,	do
Wm Langon	40	do	"	do	Oct. 25	do	do
R Henderson	38	Scotland,	"	scorbutis,	" 17	do	Pay patient.
J Bevan	22	England,	"	syphilis,	Sept. 24	do	do
T Mayher	39	Ireland,	"	16 Panama fever,	" 18	dead,	City patient.
F L Antoine	12	France,	"	typhoid fever,	" 25	do	do
A Donayde	28	Mexico,	"	cholera,	" 17	do	do
S Goodrich	38	New Hampshire,	"	small pox,	"	in hospital,	do
D Brown	27	England,	"	dysentery,	Sept. 22	cured.	do
J Bradley	29	Ireland,	"	intermittent fever,	" 23	dead,	do
C Teacquot	41	France,	"	do	Oct. 4	cured,	do
A Driscoll	24	Mexico,	"	typhoid fever,	Sept. 24	do	do
Choung-Atok	29	China,	"	17 rheumatism,	Oct. 9	do	do
H Krahe	24	Germany,	"	intermittent fever,	Nov. 18	do	do

Atoy	1852, Sept. 17	1852, Sept. 29	dead, cured,	S M Hospital.
32 China,	"	Sept. 29	dead,	S M Hospital.
27 England,	"	Oct. 30	cured,	City patient.
20 Illinois,	"	Sept. 19	do	do
43 Massachusetts,	"	Oct. 2	do	do
18 France,	"	Sept. 28	do	do
25 Ireland,	"	" 27	do	S M Hospital.
39 France,	"	Oct. 1	do	do
20 Ireland,	"	Nov. 8	do	do
32 New Jersey,	18	Sept. 19	dead,	City patient.
41 Germany,	"	Oct. 3	do	do
24 England,	"	Dec. 22	cured,	Pay patient,
16 New York,	19	Sept. 25	do	City patient.
25 do	"	Oct. 19	dead,	do
24 England,	"	" 1	cured,	do
20 New Jersey,	"	Nov. 16	do	do
42 Ireland,	"	Sept. 27	do	do
24 Chile,	"	Oct. 15	do	do
32 Ireland,	"	Sept. 24	do	do
45 do	"	Oct. 26	do	do
25 France,	"	" 18	do	do
46 do	"	Sept. 24	do	do
29 do	"	" 23	do	do
19 Denmark,	"	Oct. 20	do	S M hospital.
25 Norway,	"	" 6	do	do
45 Sweden,	"	" 30	do	do
20 China,	"	Sept. 30	dead,	do
29 New York,	"	Oct. 6	do	do
36 France,	"	" 1	cured,	do
28 Louisiana,	"	Sept. 27	in hospital,	City patient.
26 France,	"	"	cured,	do
40 New York,	"	"	do	do

NAMES.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
R Stanley	34 Connecticut,	1852, Sept. 21	hepatitis,	1852, Oct. 12	dead,	City patient.
H Dye	40 New York,	"	intermittent fever,	" 1	cured,	do
J Mooney	25 do	"	do	"	do	do
Camilla Rosa	35 Chile,	"	small pox,	Nov. 20	do	S M hospital.
R S Watkins	50 Boston,	" 22	cholera,	Sept. 22	dead,	City patient.
J Jenkins	24 England,	"	rheumatism,	Dec. 16	cured,	Pay patient.
Attoy	46 China,	"	do	Oct. 17	do	S M Hospital.
E W Harrison	22 England,	"	intermittent fever,	Nov. 18	do	City patient.
Mrs Stoddard	18 Ireland,	"	Panama fever,	Oct. 18	do	do
J Williams	30 Norway,	" 23	cholera,	Sept. 23	dead,	do
J Buckall	41 Massachusetts,	"	do	" 28	cured,	do
J Newkirk	46 New York,	"	intermittent fever,	Nov. 20	do	do
R Double	37 England,	"	ulcer,	Sept. 27	do	do
P S Pinshuit	28 Germany,	"	intermittent fever,	" 28	do	do
J Faber	30 France,	" 24	do	" 30	do	do
Miss Johnson	19	"	phthisis,	Oct. 16	dead,	do
B Leary	31 Baltimore,	"	intermittent fever,	" 2	cured,	do
E McCaura	22 Philadelphia,	"	do	Sept. 27	do	do
C Linbeck	39 Denmark,	"	do	Oct. 6	do	do
J Davis	38 New York,	"	do	" 16	do	do
P Westernburg	29 Germany,	"	injury,	Dec. 5	do	do
R F Milker	37 New York,	"	typhoid fever,	Sept. 27	dead,	do
E Henri	43 France,	"	intermittent fever,	Oct. 12	cured,	do
H Smith	25 Germany,	"	do	in hospital,	S M hospital,	do
G Taylor	33 England,	"	stricture,	Sept. 28	cured,	Pay patient.
L Alivas	45 France,	"	diarrhoea,	Oct. 4	do	City patient.

J A Morel	30 New York,	1852, Sept. 25	general debility,	1852, Oct. 19	do	City patient.
J Dowdell	20 Maine,	"	diarrhœa,	"	do	do
J Sherridan	23 Ireland,	"	abscess of cornea,	Nov. 18	do	do
J Gladfield	26 S Carolina,	"	diarrhœa,	" 2	do	do
N Chase	26 New York,	"	small pox,	Sept. 30	dead,	do
J C Pierre	37 France,	"	intermittent fever,	Oct. 15	cured,	S M Hospital.
J F Rosas	26 Chile,	"	rheumatism,	"	in hospital,	do
J Crosby	33 England,	"	diarrhœa,	Oct. 11	cured,	City patient.
S Maloney	43 Maine,	"	intermittent fever,	Nov. 4	do	do
C Vish	20 Germany,	"	ophthalmia,	"	in hospital,	do
J McDonald	22 Indiana,	"	typhoid fever,	Sept. 30	dead,	do
T Castro	35 Mexico,	"	syphilis,	Oct. 7	cured,	S M Hospital.
W P Vance	23 Philadelphia,	"	intermittent fever,	Nov. 10	do	City patient.
J Smith	21 New York,	"	diarrhœa,	Oct. 8	do	do
W L Britton	21 do	"	syphilis,	" 17	do	do
H Riley	54 Ireland,	"	injury to foot,	" 11	do	do
E McCan	24 New York,	"	remittent fever,	Dec. 15	do	do
J Monito	30 France,	"	do	Oct. 24	do	do
J Lightner	21 Pennsylvania,	"	intermittent fever,	" 6	dead,	do
C O Pond	24 China,	"	intermittent fever,	"	in hospital,	S M hospital.
J W Dive	23 London,	"	dropsy,	" 1	cured,	Pay patient.
Mow Chow	20 China,	"	intermittent fever,	" 6	do	S M hospital.
J Smith	23 New York,	"	typhoid fever,	" 7	do	City patient.
H Stolls	33 Germany,	"	rheumatism,	" 11	do	do
J Kinney	46 England,	"	intermittent fever,	"	in hospital,	do
P Cingaws	22 France,	"	pneumonia,	" 15	cured,	do
A Haw	19 China,	"	intermittent fever,	" 4	dead,	S M hospital.
J Summers	28 New York,	"	ulcer,	"	cured,	City patient.
C Beaufot	24 France,	"	diarrhœa,	" 2	do	do
J Barry	25 Ireland,	"	Panama fever,	" 19	dead,	do
J Bell	65 England,	"		" 5	cured,	do

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
D Burk	33	Ireland,	1852, Sept. 30	ulcer,	1852,	in hospital,	City patient.
J Wagner	24	Germany,	"	intermittent fever,	Oct. 6	cured,	do
M Bowlan	35	Ireland,	"	ulcer,	" 11	do	do
T Monfor	41	China,	"	do	Nov. 16	do	S M Hospital.
B Wolf	19	Germany,	"	pneumonia,	Oct. 13	do	City patient.
T Smith	30	New York,	"	intermittent fever,	" 6	do	do
A Fremshol	38	Germany,	"	do	" 24	do	do
J Julien	27	France,	Oct. 1	do	" 8	do	do
A Hamer	38	Sweden,	"	diarrhœa,	" 15	do	do
J Johnson	28	do	"	hernia,	Nov. 18	do	Pay patient,
Tong Fook	26	China,	"	rheumatism,	Oct. 12	do	S M hospital.
J Voigts	30	Germany,	"	typhoid fever,	" 9	dead,	City patient.
E Valett	27	France,	"	intermittent fever,	" 11	cured,	do
C Kent	29	Maine,	"	rheumatism,	" 7	do	do
J Hughes	23	England,	"	diarrhœa,	" 6	do	S M hospital.
D Devandier	25	France,	"	intermittent fever,	" 14	do	City patient.
F Cazanbon	29	do	"	rheumatism,	" 18	do	do
T Torry	27	Ireland,	"	intermittent fever,	" 14	do	do
C Coot	29	Germany,	"	cholera,	" 10	dead,	do
P Almees	52	France,	"	intermittent fever,	Dec. 9	cured,	do
J Knox	33	Pennsylvania,	"	do	Oct. 4	do	do
G A Walker	22	Massachusetts,	"	do	" 15	do	do
B Archocho	45	Mexico,	"	do	" 8	do	do
S W Slamdeck	29	Ohio,	"	4 syphilis,	Nov. 9	do	do
T Brown	30	Ireland,	"	dysentery,	Dec. 1	do	do
H Smith	22	Canada,	"	intermittent fever,	Oct. 10	do	do

	1852, Oct.	1852, Oct. 9	1852, Oct. 13		City patient.
S Noststrand	20 Connecticut,	do	in hospital,	cured,	do
J Watson	30 Ireland,	"	Oct. 14	cured,	do
J Pontry	21 do	"	" 11	dead,	do
M Townsend	43 London,	"	" 16	cured,	do
S Sylva	20 Portugal,	"	Nov. 18	do	do
Ann Harton	30 Ireland,	"	Oct. 18	do	do
J Hope	25 Philadelphia,	"	" 17	do	do
C K Sumner	19 Maine,	"	" 14	dead,	do
H Walcott	24 New York,	"	" 13	cured,	do
G Menendit	19 Spain,	"	Nov. 9	do	do
J Dougherty	29 Brooklyn,	"	" 3	do	S M hospital.
B D Montfort	45 France,	"	Dec. 3	dead,	City patient.
J Mallory	53 Ireland,	"	Oct. 16	cured,	do
G Alexander	21 France,	"	Nov. 5	do	do
E G Bolter	22 Massachusetts,	"	Oct. 25	do	do
T H Johnson	23 New York,	"	"	do	do
J Evans	40 Wales,	"	"	do	do
M Price	40 Ireland,	"	"	do	do
H Masterson	30 do	"	Nov. 8	in hospital,	do
L Folk	24 Virginia,	"	Oct. 12	dead,	S M Hospital.
A McCormick	25 Nova Scotia,	"	" 30	cured,	City patient.
M Gadroy	30 France,	"	" 21	do	S M Hospital.
D Henry	28 Ireland,	"	" 20	dead,	City patient.
A Cow	24 China,	"	" 13	cured,	do
M Gavardin	27 France,	"	" 26	do	do
C Domingo	26 do	"	Nov. 12	do	do
J Stewart	46 Georgia,	"	Oct. 15	do	do
Mrs S Woods	40 Ireland,	"			
J Hart	32 Germany,	"			
W Wilcox	33 Pennsylvania,	"			
J Cannon	29 Georgia,	"			

NAMES.	AGE.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
P Coast	45	Poland,	1852, Oct. 12	intermittent fever,	1852, Oct. 30	cured,	City patient.
B P Francois	33	France,	"	do	" 18	do	do
J Rankin	26	Scotland,	"	do	Nov. 3	do	do
N Kall	57	Denmark,	"	bilious fever,	" 6	dead,	do
C Oswald	33	Germany,	"	13 intermittent fever,	" 3	cured,	do
T W Doliff	31	Maine,	"	dysentery,	" 3	in hospital,	do
A B C Moody	26	New York,	"	intermittent fever,	Oct. 21	cured.	do
Asson	48	China,	"	dropsy,	" 24	do	S M hospital.
Ar-Wi	45	do	"	do	" 24	in hospital,	do
R Norris	23	Boston,	"	diarrhœa,	" 15	dead,	City patient.
J S McClure	22	Maine,	"	intermittent fever,	" 21	cured,	do
G Baker	30	Germany,	"	do	Nov. 23	do	do
T Jones	36	Ireland,	"	do	Oct. 25	do	do
J Bowen	21	Rhode Island,	"	do	Nov. 22	do	do
T Williams	22	Ireland,	"	do	" 14	do	do
J Johnson	40	do	14	do	" 25	do	do
J L Ford	57	Arkansas,	"	typhoid fever,	" 16	do	do
H E Smith	21	Massachusetts,	"	diarrhœa,	" 8	do	do
G Cossello	20	Mexico,	"	intermittent fever,	Oct. 29	do	do
P Grogan	21	Ireland,	"	15 bilious fever,	Nov. 3	do	do
L Nan Nostrand	21	Connecticut,	"	diarrhœa,	" 19	do	do
Pickersgill	36	England,	"	intermittent fever,	" 25	do	do
J P Selby	31	Ohio,	"	diseases of lungs,	Dec. 28	dead,	do
B W Stephens	37	Massachusetts,	"	rheumatism,	Oct. 24	cured,	do
J Welch	25	Ireland,	"	do	" 25	do	do
N Smith	28	New York,	"	intermittent fever,	" 21	do	do

	1852,	Oct. 15,	intermittent fever,	1852,	Oct. 27,	cured,	City patient.
J Mahoney	29	Ireland,	“	“	Nov. 20	in hospital,	do
G Woodman	30	Germany,	“	“	Oct. 24	cured,	do
C Johnson	31	Denmark,	“	“	“ 25	do	do
E J Lewin	21	New Hampshire,	“	“	“ 24	do	do
W Steel	26	Boston,	“	“	“ 26	do	do
J Bradley	21	Massachusetts,	“	“	“ 24	do	do
J McBride	27	Pennsylvania,	“	“	“ 26	do	do
H Russell	36	New York,	“	“	“ 24	do	do
M Cammel	22	Ireland,	“	“	Nov. 5	do	do
G Stagg	43	Liverpool,	“	“	Dec. 21	do	do
A Castro	20	Mexico,	“	“	Oct. 30	do	do
T Maher	40	Ireland,	“	“	“ 21	do	do
F T Armstrong	30	New York,	“	“	Nov. 8	do	do
J P Beck	22	Illinois,	“	“	Oct. 21	do	do
J Hunter	21	Pennsylvania,	“	“	“ 26	dead,	do
N Norton	25	Ireland,	“	“	“ 25	cured,	do
J P Welch	25	Boston,	“	“	Dec. 26	dead,	do
J H Billin	27	North Carolina,	“	“	Oct. 27	do	do
Lissing	36	China,	“	“	Nov. 4	cured,	S M Hospital.
M Wallois	32	France,	“	“	Oct. 29	do	do
E Cervantes	42	Mexico,	“	“	Nov. 20	in hospital,	do
C Brott	23	Missouri,	“	“	“ 6	cured,	do
J Dixon	29	Ireland,	“	“	Oct. 21	in hospital,	do
P Sloan	17	do	“	“	“ 24	cured,	do
F Mellaney	26	do	“	“	“ 24	do	do
T Barbion	27	France,	“	“	Nov. 22	do	do
J Carrigan	25	Ireland,	“	“	“ 18	do	do
R Donoran	29	do	“	“	“ 25	do	do
J Smith	35	do	“	“		do	do
G Phillips	21	New York,	“	“		do	do
Wm Morgan	24	Wales,	“	“		do	do

NAMES.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Williams	28 Ireland,	1852, Oct. 19	pneumonia,	1852, Nov. 15	dead,	City patient.
H Holmes	15 Boston,	"	varioid,	Oct. 26	in hospital,	do
J Avery	27 Maine,	"	intermittent fever,	Nov. 22	cured,	do
G Gaste	38 Maryland,	"	diarrhœa,	" 4	do	do
H Sherridan	19 Canada,	"	intermittent fever,	" 14	do	do
W McGill	34 Ireland,	"	paralysis,	Oct. 25	do	do
H Raynes	30 do	"	intermittent fever,	" 27	do	do
S Beutrand	25 France,	"	disease of heart,	Nov. 16	do	do
J Denny	38 New York,	"	intermittent fever,	Oct. 28	do	do
J Kirkman	21 England,	"	hemiaplegia,	Nov. 3	do	do
E Levy	27 Ireland,	"	intermittent fever,	Oct. 31	do	do
J Claffy	28 do	"	do	in hospital,	do	do
G McAmber	30 Massachusetts,	"	do	do	do	do
P McAmber	38 do	"	do	Nov. 8	cured,	do
J B King	17 do	"	do	" 19	do	do
J Belototsky	26 Poland,	"	diarrhœa,	Oct. 31	dead,	do
G Le Maitre	26 Isle of Jersey,	"	wound,	Dec. 15	do	Pay patient.
W Roberts	27 England,	"	21 Panama fever,	Oct. 27	cured,	City patient.
G Davidson	31 Maine,	"	do	" 30	do	S M Hospital.
D Davandier,	25 France,	"	typhoid fever,	Nov. 14	dead,	City patient.
S Chickester	38 New York,	"	do	" 18	cured,	do
F Ferall	20 do	"	injury to testis,	Oct. 30	do	do
M Clannev	26 Ireland,	"	intermittent fever,	Oct. 24	in hospital,	do
C Passent	42 France,	"	gun-shot wound,	" 31	cured,	do
J Parsons	20 Ireland,	"	abscess,		do	do
J Nugent	17 do	"	remittent fever,		do	do

	1852,	Oct. 21	1852,	Nov. 3	City patient.
P Comroy	27 Ireland,	" 22 ulcer,	1852,	Nov. 3	cured,
A Gleason	46 do	" intermittent fever,	" "	4	do
M Kirwin	31 do	" do	Oct. 31	do	do
G O'Byrne	40 do	" do	Nov. 19	do	do
A Miller	27 Norway,	" bronchitis,	Oct. 31	do	do
Wm Potter	50 Sandwich Islands,	" rheumatism,	Nov. 19	do	do
R Husband	32 Scotland,	" 23 pleuritis,	Oct. 24	do	do
H Zimmermann	36 Germany,	" ulcer,	" 29	do	do
G Gallois	24 France,	" intermittent fever,	Nov. 2	do	do
W Rice	56 Massachusetts,	" Panama fever,	Dec. 3	do	do
H Johnson	26 Denmark,	" injury,	Oct. 26	do	do
D McCarty	22 Ireland,	" fracture,	Nov. 22	do	do
P Hennessey	34 do	" intermittent fever,	" 3	do	do
L Tus	34 France,	" do	" 21	do	do
S Ardie	18 New York,	" 25 diarrhoea,	Oct. 29	do	do
C Victor	26 France,	" intermittent fever,	Nov. 4	do	do
J O'Neil	28 New York,	" do	Nov. 3	do	do
C Christianson	24 Norway,	" do	" "	do	do
B Brown	22 France,	" do	Nov. 3	do	do
J Gaffney	32 Ireland,	" erysipelas,	" "	do	do
T Garren	40 do	" injury,	in hospital,	do	do
D Fayles	22 New York,	" intermittent fever,	Oct. 21	do	do
L Pierre	22 France,	" do	Nov. 6	do	do
H Dobbin	30 New York,	" general debility,	" 5	do	do
J Carmona	25 Chile,	" intermittent fever,	Oct. 27	do	do
G Lewis	22 England,	" phthisis,	Nov. 8	do	do
S B Bogert	37 New York,	" 26 bilious fever,	Oct. 3	do	do
W Clark	23 do	" abscess,	in hospital,	do	do
G Ryder	32 do	" diarrhoea,	Nov. 12	do	do
M Barnes	19 Boston,	" intermittent fever,	" 8	do	do
T Sullivan	28 Ireland,	" do	" 16	do	do

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Eglains	30	Spain,	1852, Oct. 26	bronchitis,	Nov. 2	in hospital,	City patient.
C Muller	23	England,	" "	intermittent fever,	" 18	cured,	Pay patient.
J Simonds	27	New Jersey,	" "	rheumatism,	" 24	do	City patient.
J Hamilton	22	Maine,	" "	abscess,	" 27	do	do
A Laparie	25	France,	" "	intermittent fever,	" 26	do	do
B Jasquire	38	do	" "	do	" 3	do	do
J Miller	40	Scotland,	" "	pneumonia,	" 7	dead,	do
T Robinson	40	New York,	" "	diarrhoea,	" "	cured,	do
J McCormick	27	Ireland,	" "	intermittent fever,	Oct. 28	do	do
J Haflron	31	Rhode Island,	" "	do	Nov. 6	do	do
M W Stummbold	26	S Sweden,	" "	rheumatism,	Dec. 1	do	do
A Colby	22	Maine,	" "	do	Nov. 12	dead,	Pay patient,
J McCarty	26	Ireland,	" "	cholera,	in hospital,	do	City patient.
E Stoddard	19	do	" "	intermittent fever,	Oct. 31	cured,	do
J Finn	27	do	" "	do	Nov. 26	do	do
F Burk	37	Maine,	" "	ulcer,	" 7	do	do
J B Racine	52	France,	" "	do	in hospital,	do	do
J Campbell	33	Ireland,	" "	rheumatism,	Dec. 20	cured,	do
H Peck	27	Philadelphia,	" "	secondary syphilis,	" 3	do	do
W Lake	31	New York,	" "	rheumatism,	Nov. 26	do	do
S Handley	28	Maine,	" "	diarrhoea,	" 16	do	do
S A St John	46	Connecticut,	" "	ferunculus,	" 22	do	do
W Morton	29	Ireland,	" "	intermittent fever,	Dec. 11	in hospital,	do
R W Hall	25	Maine,	" "	do		cured,	do
Z Jones	43	Maryland,	" "	phthisis,			do
M Higgins	23	Ireland,	" "	rheumatism,			do

E Vallet	26 France,	1852, Oct. 29	intermittent fever,	1852, Nov. 8	cured,	City patient.
J Ganon	33 New Jersey,	"	do	15	do	do
T Proux	26 Canada,	"	do	22	do	do
H Lindois	30 France,	"	rheumatism,	" 30	in hospital,	S M hospital.
W Broderick	29 England,	"	disease of lungs,	Dec. 3	cured,	City patient.
E F Garegus	24 New Jersey,	"	diarrhœa,	in hospital,	do	do
J Hurst	23 Virginia,	"	typhoid fever,	Nov. 10	cured,	do
E Hanney	60 England,	"	hernia,	Dec. 9	do	do
J Collins	26 Louisiana,	"	injury,	Nov. 12	do	do
J Pollock	27 Scotland,	"	general debility,	Dec. 16	do	do
J E Kelly	29 New York,	"	do	Nov. 8	do	do
S Stockwell	42 Massachusetts,	"	rheumatism,	" 13	do	S M Hospital.
G Runn	27 Canada,	"	intermittent fever,	in hospital,	Pay patient.	S M hospital.
T Jolly	26 England,	"	Panama fever,	" 15	cured,	City patient.
O Runn	19 Canada,	"	do	" 8	in hospital,	do
R L Frune	32 South Carolina,	"	gun-shot wound,	" 15	cured,	do
M Nutter	26 Illinois,	"	Panama fever,	Dec. 16	do	do
R C D Rose	21 Rhode Island,	"	do	" 17	dead,	do
J Hock	38 Germany,	"	small pox,	Nov. 25	cured,	do
H Breff	29 do	"	ulcer,	" 22	dead,	do
J Silva	20 New York,	"	dysentery,	Dec. 16	cured,	do
E Haskell	35 do	"	Panama fever,	" 9	do	do
J Lewis	52 do	Nov.	debility,	" 26	cured,	do
Wm Lindrop	48 England,	"	diarrhœa,	Dec. 16	do	do
A Quitcow	38 Prussia,	"	rupture,	" 17	d. ad,	do
J E Arnold	25 Maine,	"	diarrhœa,	Nov. 10	cured,	do
J Lockhart	24 Ireland,	"	intermittent fever,	" 17	do	do
C Brown	30 Sweden,	"	dysentery,	" 10	do	do
E Wayne	32 France,	"	rheumatism,	in hospital,	do	do
J Daniels	49 London,	"	Panama fever,	do	do	do
S Burnet	30 Ohio,	"	varioloid,	do	do	do

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Phillips	26	New York,	1852, Nov.	2 intermittent fever,	1852, Nov. 15	cured,	City patient.
W Parley	24	Ireland,	"	do	" 16	do	do
P Hays	35	do	"	do	" 10	do	do
M Lubey	28	do	"	do	" 15	do	do
F Darats	26	Germany,	"	3 debility,	" 26	do	do
B Hughes	42	Ireland,	"	2 dropsy,		in hospital,	do
J Wolf	40	Prussia,	"	3 injury,	" 14	cured,	do
J McAlee	27	Ireland,	"	intermittent fever,	" 7	do	do
E Dunker	35	Germany,	"	do	Dec. 11	do	do
J S Clatsworthy	25	West Islands,	"	diarrhœa,	Nov. 6	do	do
R P Seaman	36	Rhode Island,	"	do	" 13	dead,	do
E Kirby	21	Canada,	"	do	" 8	cured,	do
P Weason	11	Louisiana,	"	Panama fever,	"	do	do
J Hope	26	Pennsylvania,	"	bilious fever,	" 23	do	do
E Wyville	17	Louisiana,	"	Panama fever,	Dec. 19	do	do
W Wyville	11	do	"	do		in hospital,	do
J Allen	19	New York,	"	do	" 13	cured,	do
T Hernes	22	Ireland,	"	4 varioloid,	Nov. 13	dead,	do
J A Smith	35	Philadelphia,	"	general debility,	" 14	cured,	do
M Lyon	38	France,	"	intermittent fever,	Dec. 24	do	do
C Androso	26	Chile,	"	small pox,	Nov. 9	dead,	do
J Ward	28	England,	"	5 syphilis,	Dec. 8	cured,	do
H Glynn	26	Maine,	"	rheumatism,		in hospital,	do
T L Page	21	Boston,	"	intermittent fever,	" 2	do	do
G Curtain	5	France,	"	injury,	"	dead,	do
H Riley	54	Ireland,	"	diarrhœa,	"	cured,	do

Ar-He	1852, Nov.	1852, Nov. 20	1852, Nov. 20	1852, Nov. 20	S M hospital.
Ar-He	18 China,	5 cholera,	dead,	in hospital,	City patient.
C Wendland	27 Sweden,	Panama fever,	in hospital,	cured,	do
F L Navit	34 France,	diarrhoea,	Nov. 11	in hospital,	do
A Krear	27 Germany,	disease of bladder,	" 16	cured,	do
D Posson	17 Scotland,	dysentery,	" 21	do	do
H Lundt	39 Germany,	rheumatism,	" 18	in hospital,	do
C McCanly	26 Ireland,	intermittent fever,	Dec. 30	cured,	do
J McKunc	35 do	general debility,	" 27	do	do
A Brown	22 Norway,	gun-shot wound,	" 30	do	do
H Norton	21 New York,	typhoid fever,	" 14	do	do
J McAfirey	47 Ireland,	injury,	" 26	do	do
C Genskye	26 Germany,	intermittent fever,	Nov. 7	do	do
J Hasley	25 New York,	bronchitis,	" 27	do	do
J F Neveraux	36 France,	intermittent fever,	" 9	do	do
W Runson	41 Belgium,	abscess,	" 15	do	do
B Labbavien	26 France,	intermittent fever,	" 16	do	do
E Reynolds	29 Ireland,	do	Dec. 2	dead,	do
M Cummin	23 do	general debility,	Nov. 15	cured,	do
B Bushart	22 France,	diarrhoea,	" 20	do	do
A Martin	33 Sweden,	intermittent fever,	" 17	do	do
R Turner	38 England,	abscess,	in hospital,	do	do
Wm Beach	25 Connecticut,	intermittent fever,	do	do	do
J Murphey	20 Ireland,	do	do	do	do
T Clark	23 do	injury to foot,	do	do	do
W Carrigan	24 do	intermittent fever,	" 18	cured,	do
R Xavier	40 France,	parrigo,	" 12	do	do
G A Omdio	28 do	ulcer,	" 10	in hospital,	do
J C McLennare	61 North Carolina,	7 acme,	Dec. 3	cured,	do
E Farbes	44 Vermont,	rheumatism,	" 4	do	do
J Warrel	38 Pennsylvania,	intermittent fever,	" 8	dead,	do
Capt Freeman	25 Maine,	delirium tremens,			

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
J N Stephens	19	Tennessee,	1852, Nov. 7	diarrhœa,	1852, Dec. 5	dead,	City patient.
J Annis	65	Boston,	"	bronchitis,	Nov. 22	cured,	do
T Jones	37	England,	"	intermittent fever,	" 23	do	do
J Grogan	17	do	"	constipation,	"	do	do
H Manning	31	Vassachusetts,	"	intermittent fever,	" 15	do	do
Assou	43	China,	"	wound,		in hospital,	S M Hospital.
B Trow	53	Massachusetts,	"	ophthalmia,		do	do
M Carpenter	22	Kentucky,	"	diarrhœa,	Dec. 21	dead,	City patient.
C Finnegan	21	Canada,	"	debility,	" 12	cured,	do
J Shultz	31	Germany,	"	ophthalmia,	Nov. 21	in hospital,	do
J Fidel	38	France,	"	intermittent fever,	" 23	cured,	do
A Delure	34	do	"	rheumatism,	Nov. 21	do	do
W Broderick	25	England,	"	bronchitis,	Dec. 16	do	do
T P Bolan	23	Virginia,	"	syphilis,	" 30	do	do
P Curry	28	Ireland,	"	intermittent fever,	Nov. 21	do	do
P Leuberrat	26	France,	"	typhoid fever,	" 11	do	do
B Wyville	43	Germany,	"	do		in hospital,	do
J Snyder	40	do	"	9 small pox,	Dec. 13	cured,	do
G Stona	35	do	"	wound,	Nov. 15	do	do
T Noon	19	Ohio,	"	diarrhœa,	" 22	do	do
J Myres	29	Germany,	"	rheumatism,	Dec. 3	do	do
G W Hodgson	24	Ohio,	"	diarrhœa,	" 27	dead,	do
J Hots	26	Pennsylvania,	"	do		in hospital,	do
P Causant	44	France,	"	intermittent fever,		do	do
P Christabel	10	do	"	do		do	do
E Pendley	22	New York,	"	remittent fever,	Dec. 29	dead,	do

	1852, Nov.	9	rheumatism, do	1852, Dec.	2	cured, do	City patient.
D B Pierre	43	France,	intermittent fever,	"	3	do	do
W Mark	34	Sweden,	do	"	14	do	do
R Swartstrober	22	Germany,	do	Nov. 15	in hospital,	do	do
P Swartstrober	21	do	diarrhœa,	"	24	cured,	do
J Smith	31	do	Panama fever,	"	20	do	do
P Kelley	22	Ireland,	intermittent fever,	Dec. 7	do	do	do
W Kirwin	48	South Wales,	brouchitis,		in hospital,	City patient.	
Koch Gois	40	France,	ulcer,		do	do	
J Scott	23	Indiana,	ophthalmia,	Dec. 3	dead,	do	do
N Hallan	26	Ireland,	gun shot wound,	Nov. 12	in hospital,	do	do
H Atwill	37	New York,	brouchitis,	"	cured,	do	do
Mrs A Josephs	26	England,	intermittent fever,	"	in hospital,	do	do
L F Acton	26	France,	rheumatism,	21	cured,	do	do
E Pons	62	do	intermittent fever,	"	12	do	do
J Maid	22	Ireland,	do		in hospital,	do	do
G Brown	22	England,	rheumatism,	"	do	S M hospital.	
C Carambo	20	France,	do	21	cured,	City patient.	
N Nelison	29	Germany,	intermittent fever,		in hospital,	do	
J B Coleman	26	Ohio,	do		do	do	
A Harris	18	Maine,	intermittent fever,	"	21	do	do
J R Nersesbord	12	Chile,	diarrhœa,	"	13	do	do
W Brown	36	Ireland,	pleuritis,	"	15	cured,	do
P Merchaud	25	France,	intermittent fever,	"	15	do	do
L Chamois	18	do	rheumatism,	"	15	dead,	do
J Berry	27	England,	burn,	Dec. 2	do	do	do
J O Conner	21	New York,	cont. fever	"	9	cured,	do
L August	36	France,	intermittent fever,	Nov. 18	do	do	do
E A Lathrop	21	New York,	do	Dec. 11	do	do	do
J P Hulin	45	France,	typhoid fever,	Nov. 19	dead,	do	do
J May	42	Scotland,	typhoid fever,	Dec. 13	cured,	do	do
P South	29	Ireland,	lysentery,		in hospital,	do	do
	"	"	injury,				

NAMES.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
H Elfers	19 Germany,	1852, Nov. 11	intermittent fever,	1852, Nov. 17	cured,	City patient.
W H Shed	28 New York,	"	do	Dec. 20	do	do
N Richt	23 France,	"	do	Nov. 17	do	S M Hospital.
C Stevens	25 do	"	dysentery,	" 14	do	do
J Blackington	22 Ohio,	"	intermittent fever,	" 23	do	City patient.
P Huckston	48 New York,	"	typhoid fever,	" 22	do	do
J Sharkey	25 Ireland,	"	ulcer,	"	in hospital,	do
M Darsey	28 do	"	Panama fever,	" 19	cured,	do
G Walker	26 Scotland,	"	do	"	in hospital,	do
M Mackassy	24 Ireland,	"	cont. fever	"	do	do
O'Keeney	34 do	"	paralysis,	"	do	do
D B Aldrich	23 Rhode Island,	"	injury,	" 14	cured,	do
J Livingston	23 Maine,	"	intermittent fever,	Dec. 3	do	do
G Kune	44 Germany,	"	abscess,	" 9	do	do
J Joluson	40 Ireland,	"	rheumatism,	" 15	dead,	do
M Knott	42 Germany,	"	typhoid fever,	" 21	cured,	do
T Bancroft	33 New York,	"	injury,	" 4	do	do
R W Scott	26 Baltimore,	"	12 abscess,	" 2	dead,	do
O Guenna	25 Mexico,	"	typhoid fever,	Nov. 25	cured,	do
J Conally	26 Pennsylvania,	"	do	Nov. 25	do	do
V E Phillipe	22 France,	"	intermittent fever,	"	in hospital,	do
W Ward	41 New Jersey,	"	jaundice,	"	do	do
W Freadson	23 Salem,	"	syphilis,	Dec. 13	cured,	do
G Lanis	30 France,	"	intermittent fever,	" 22	dead,	do
W Potter	50 Sandwich Islands,	"	cholera,	"	in hospital,	do
M Gallagher	53 Ireland,	"	disease of lungs,	"	do	do

	1852, Nov. 12	1852, Dec. 13	in hospital,	City patient.
J B Tates	22 Pennsylvania,	intermittent fever,	cured,	do
G L Baptiste	45 France,	debility,	do	do
H Sheen	28 England,	13 intermittent fever,	do	do
J Waiship	23 New York,	ophthalmia,	do	do
W Burfield	32 Philadelphia,	typhoid fever,	in hospital,	do
P Coyle	28 Ireland,	intermittent fever,	cured,	do
W Murry	24 do	typhoid fever,	do	do
D P Francois	37 France,	typhoid fever,	do	do
G S Smith	21 New York,	dysentery,	do	do
W Ehils	25 Germany,	intermittent fever,	do	do
R L Frayne	41 S Carolina,	gun-shot wound,	in hospital,	do
H G Bushnell	24 Pennsylvania,	intermittent fever,	cured,	do
H P Robinson	23 Massachusetts,	dysentery,	in hospital,	do
H Ensign	34 New York,	varioid,	cured,	do
K Florent	38 France,	intermittent fever,	in hospital,	do
E Marrillet	30 do	typhoid fever,	do	do
H Seargent	43 do	do	do	do
J Anderson	19 Sweden,	diarrhœa,	do	do
R S Pierce	27 New Hampshire,	intermittent fever,	do	do
T Hayley	20 Ireland,	abscess,	do	do
W H Freeman	45 England,	intermittent fever,	do	do
W Garrey	30 Ireland,	15 injury,	do	do
T Littell	33 England,	ulcer,	in hospital,	do
W A Crawford	57 Baltimore,	dysentery,	do	do
C Illog	23 New York,	intermittent fever,	cured,	do
C Christianson	24 Norway,	bronchitis,	do	do
T Costello	21 Ireland,	syphilis,	do	do
C Gordon	38 Scotland,	intermittent fever,	do	do
C Smith	24 New York,	do	do	do
P Mullet	22 France,	do	do	do
F Napenger	30 New York,	rheumatism,	in hospital,	do

Names.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Dumar	33	Germany,	1852, Nov. 15	intermittent fever,		in hospital,	City patient.
Miss B Hart	31	France,	" 16	do		do	do
C Sueri	20	Ireland,	"	do		do	do
E Jones	30	Spain,	"	do		do	do
T E Smith	20	Wales,	"	typhoid fever,	1852, Nov. 25	cured,	do
L Turkey	23	Massachusetts,	"	do		in hospital,	do
H Wagner	40	Canada,	"	paralysis,	Dec. 16	in hospital,	do
J P Copeland	17	Norway,	"	intermittent fever,	Nov. 18	dead,	do
J Antoine	33	Germany,	" 17	do	Dec. 21	cured,	do
Miss M Noon	21	France,	"	do	" 14	do	S M Hospital.
J West	35	Ireland,	"	general debility,	" 3	do	City patient.
W Dorothy	18	Maine,	"	ophthalmia,	" 23	do	do
G Silva	20	Ireland,	"	intermittent fever,	" 18	in hospital,	do
N Hoffman	27	Alabama,	"	varioloid,	Dec. 19	cured,	do
B Alvalos	9	Germany,	"	scorbutis,	Nov. 29	do	do
J Johnson	32	Mexico,	"	varioloid,	Dec. 22	do	do
C Guthrie	19	Scotland,	"	dysentery,		in hospital,	S M Hospital.
Aton	32	Ireland,	18	intermittent fever,	Nov. 20	cured,	S M Hospital.
T Richards	22	China,	"	paralysis,		in hospital,	City patient.
J Meudennis	19	New Hampshire,	"	varioloid,		do	City patient.
C Darras	23	Spain,	"	typhoid fever,	" 26	cured,	do
A M Bennett	21	France,	"	dysentery,	" 21	dead,	do
A Crockball	31	New York,	"	diarrhoea,		in hospital,	do
J Madison	35	Ireland,	"	intermittent fever,	Dec. 21	cured,	do
Q Toy	40	do	"	ophthalmia,		in hospital,	do
		China,	"	pneumonia,	"	cured,	S M Hospital.

A Coy	30 Ireland,	1852, Nov. 19	intermittent fever,	1852, Nov. 20	cured,	City patient.
J O'Connor	11 Boston,	"	scrofula,	Dec. 3	do	do
P Devandier	26 France,	"	laryngitis,	Nov. 25	do	do
W Lawson	21 Norway,	"	varioid,	Dec. 3	do	do
N F Bulos	25 France,	"	intermittent fever,	Nov. 28	do	do
W G W Scott	29 Ohio,	"	bronchitis,		in hospital	do
O Riley	27 Ireland,	"	remittent fever,		do	do
B Eaton	43 Maryland,	"	fistula,	Dec. 13	discharged	do
G Rose	19 France,	"	intermittent fever,	Nov. 29	cured.	do
Miss M O'Brine	29 England,	"	ulcer,	" 22	do	do
J Oldson	22 Sweden,	"	paralysis,	" 24	in hospital,	do
A Bocanenet	30 Russia,	"	rheumatism,	" 28	cured,	do
E Sideman	25 Poland,	"	intermittent fever,	" 10	do	do
B Dowd	24 Ireland,	"	syphilis,		do	do
L Walton	28 New York,	"	Panama fever,	Dec. 11	in hospital,	do
W H Kenley	32 Kentucky,	"	dropsy,	" 20	cured,	do
J B Tatesfelt	40 Germany,	"	ophthalmia,		do	do
N Hawes	34 Massachusetts,	"	small pox,	" 13	in hospital,	do
A Bassowman	25 Scotland,	"	rheumatism,	" 11	cured,	do
Miss M Weason	31 Germany,	"	intermittent fever,	" 6	do	do
P Neason	11 Louisiana,	"	do	" 22	do	do
A Talbot	33 Ireland,	"	21 Panama fever,	Nov. 22	do	do
B Losky	31 Poland,	"	rheumatism,	" 29	dead,	do
Miss Mary Gates	32 Sydney,	"	mania-a-potu,	" 22	do	do
J S Clatsworthy	24 West Indies,	"	typhoid fever,	Dec. 3	cured,	do
J Brannull	30 Ireland,	"	22 injury,	" 20	do	do
C Witham	22 Maine,	"	23 Panama fever,	" 9	do	do
W Kirrigin	24 Ireland,	"	intermittent fever,	" 4	dead,	S M Hospital.
Ah-Tung	26 China,	"	dropsy,		cured,	City patient.
J Craumall	33 France,	"	intermittent fever,		do	do
J Barbour	33 Rhode Island,	"	do			

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
C Garnig	26	Prussia,	1852, Nov. 23	debility,	1852, Dec. 6	cured,	City patient.
H Dushell	21	Germany,	"	intermittent fever,	" 8	do	do
H Cash	26	do	"	typhoid fever,	" 26	dead,	do
J Lamay	22	Ireland,	"	intermittent fever,	"	cured,	do
W Dougherty	18	do	"	do	Nov. 27	do	do
Mrs M Courtney	27	do	"	Panama fever,	Dec. 3	do	do
A Schaffer	34	Germany,	"	varioid,	Nov. 27	dead,	do
T Rowan	18	Ireland,	"	Panama fever,	Dec. 23	cured,	do
J B Congdon	24	New York,	"	intermittent fever,	" 5	do	do
R Buttell	11	France,	"	cont. fever	Nov. 24	dead,	do
J Young	17	China,	"	do	" 29	do	S M hospital.
T W Garretson	27	New Jersey,	"	remittent fever,	Dec. 27	cured,	City patient.
J Dun	44	Maine,	"	bronchitis,	Nov. 27	do	do
G Ribberbs	17	Illinois,	"	intermittent fever,	Dec. 17	in hospital,	do
Miss M O'Brine	29	England,	"	abscess,	" 2	cured,	do
G Williams	17	Brooklyn,	"	injury,	"	do	do
J Bowen	23	Rhode Island,	"	21 intermittent fever,	Dec. 2	in hospital,	do
F McParland	23	Ireland,	"	remittent fever,	" 2	cured,	do
Miss E Fitzpatrick	37	do	"	syphilis,	"	in hospital,	do
W Martin	23	do	"	intermittent fever,	" 7	cured,	do
W Hart	21	do	"	rheumatism,	" 20	do	do
R Bennett	17	South America,	"	wound,	" 27	do	do
J Spencer	26	England,	"	injury to head,	" 9	do	do
J Clancy	37	Ireland,	"	25 dropsy,	" 2	do	do
J Carr	29	France,	"	rheumatism,	" 13	do	do
J Lantz	23	New York,	"	intermittent fever,	" 10	do	do

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Hill	20	Ireland,	1852, Nov. 29	rheumatism,	1852, Dec. 11	cured,	City patient.
J Ferguson	22	New York,	"	remittent fever,	" 16	do	do
T Ashton	32	Ireland,	"	abscess,	"	in hospital,	do
J Beaumont	22	Ohio,	"	remittent fever,	"	do	do
J McDougal	33	do	"	do	"	do	do
A L Desire	29	France,	"	30 diarrhoea,	"	do	Pay patient.
S Colthool	32	Maine,	"	intermittent fever,	" 28	cured,	City patient.
D Sinclair	37	New York,	"	injury,	" 20	do	do
N P Vance	23	Philadelphia,	"	intermittent fever,	" 13	do	do
C Farrell	22	Ireland,	"	injury,	" 6	do	do
J Suckson	33	England,	"	pleuritis,	" 10	dead,	do
H Stunner	35	Missouri,	"	intermittent fever,	" 3	cured,	do
W Simpson	35	Ireland,	"	hepatitis	"	do	do
J Andrews	33	Scotland,	Dec. 1	injury,	" 8	dead,	do
J McKay	30	Ireland,	"	bronchitis,	" 4	cured,	do
J Caffie	25	Chile,	"	paralysis,	"	in hospital,	do
F Meals	39	France,	"	ulcer,	"	do	do
P Lamar	30	do	"	rheumatism,	" 16	cured,	do
C Ryder	33	Prussia,	"	2 intermittent fever,	" 11	do	do
J Wyant	32	New York,	"	diarrhoea,	"	do	do
D Flecker	30	do	"	do	" 22	do	do
T Quiney	20	Ireland,	"	hepatitis,	" 7	do	do
O Murry	29	New York,	"	continued fever,	" 22	do	do
B Brown	22	do	"	diarrhoea,	" 14	do	do
H Thornly	28	England,	"	dysentery,	" 13	do	do
M Casey	21	Ireland,	"	intermittent fever,	" 25	do	do

	1852, Dec.	2	intermittent fever,	1852, Dec.	1	cured,	City patient.
J Alamel	"	42	France,	"	5	do	do
E H Stout	"	23	New York,	"	9	do	do
E Carrisy	"	26	France,	"	19	do	do
M Delsecartes	"	20	Chile,	"	11	do	do
To Chock Ling	"	52	China,	"	20	do	do
L Julien	"	39	France,	"	13	do	do
L Nicholas	"	34	Germany,	"	11	do	do
K J Pierre	"	36	do	"	13	do	do
F Heman	"	43	Switzerland,	"	13	do	do
H Newman	"	37	Germany,	"	9	do	do
E Van Hara	"	17	do	"	5	do	do
N Homme	"	22	France,	"	23	do	do
H A Dawson	"	40	England,	"	23	in hospital,	do
J L Eugene	"	46	France,	"	23	do	do
C Lyons	"	16	Maine,	"	23	cured,	do
D La Grapier	"	25	France,	"	10	in hospital,	do
P G Styles	"	23	Massachusetts,	"	11	cured,	do
W Sheen	"	22	Ireland,	"	23	do	do
A Benis	"	23	Maine,	"	23	in hospital,	do
J Brown	"	36	Sweden,	"	23	cured,	do
J Bernard	"	49	do	"	23	in hospital,	do
J Gett	"	61	Virginia,	"	23	in hospital,	do
Wm Pickersgiell	"	36	England,	"	23	cured,	do
P Mandish	"	30	Bombay,	"	23	do	do
J Smith	"	30	New York,	"	23	do	do
A Mascht	"	26	Germany,	"	23	do	do
S Baker	"	22	North Carolina,	"	17	dead,	do
H H Hunt	"	41	Ohio,	"	25	do	do
J Veniaux	"	31	France,	"	11	do	do
J Phillips	"	19	Wales,	"	11	in hospital,	do
L Lincant	"	28	Germany,	"	15	cured,	do

NAMES.	Age	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
V Day	25	Germany,	1852, Dec. 7	diarrhœa,	1852, Dec. 16	cured,	do
C Gun	34	France,	"	intermittent fever,	" 21	do	S M hospital.
J Kelsey	39	Ireland,	"	diarrhœa,	" 23	do	City patient.
J Beckman	42	Germany,	"	intermittent fever,	" 15	cured,	do
D Coollough	23	New York,	"	rheumatism,		in hospital,	do
J Slade	25	England,	"	ulcer,		do	do
W H Barroll	27	New York,	"	do		do	do
J Herman	25	New Grenada,	"	injury,		do	do
J Smith	43	Ireland,	"	ulcer,		do	do
A G McCandless	25	Tennessee,	"	intermittent fever,	Dec. 24	cured,	do
J J Rees	32	Pennsylvania,	"	Panama fever,	" 12	do	Pay patient.
G Eads	20	England,	"	bronchitis,	" 13	dead,	City patient.
J Marsailles	25	France,	"	ulcer,	" 19	cured,	do
P Hays	27	Ireland,	"	bronchitis,		in hospital,	do
H Duhme	20	Germany,	"	diarrhœa,		do	do
S L Sampson	42	France,	"	ulcer,		do	do
F Thompson	22	Hamburg,	"	rheumatism,	" 15	cured,	do
J Clement	40	France,	"	intermittent fever,	" 11	do	do
F Darzals	27	Germany,	"	do	" 18	do	do
J Frissalier	41	do	"	ulcer, =		in hospital,	do
P Douchet	34	France,	"	intermittent fever,	" 20	cured,	do
Mrs C McGhee	24	Ireland,	"	do		in hospital,	do
M McGhee	1	Louisiana,	"	do		do	do
M Hosford	28	Ohio,	"	ulcer,		do	do
J Hyde	23	New York,	"	10 gun-shot wound,		do	do
C Anaya	24	Chile,	"	typhoid fever,	" 11	dead,	do

	1852,	Dec. 10	intermittent fever,	1852, Dec. 19	cured,	City patient.
B Parran	31	France,	"	"	dead,	do
T Haley	21	Ireland,	"	24	in hospital,	do
B Gois	41	France,	"	"	dead,	do
G N Adler	36	Boston,	"	15	in hospital,	do
A Cheron	32	France,	11	27	in hospital,	do
J Brown	26	Maine,	do	"	do	do
J Hinson	24	Louisiana,	intermittent fever,	13	cured,	do
O Crispell	34	France,	bronchitis,	19	do	do
J Stephens	23	Baltimore,	paralysis,	"	in hospital,	do
C Latterson	33	Vermont,	small pox,	22	cured,	do
Larbinetta	22	France,	diarrhœa,	31	do	do
H Suel	37	do	13	14	dead,	do
J Eagles	26	Baltimore,	typhoid fever,	22	cured,	do
C Digasse	22	West Indies,	small pox,	"	in hospital,	do
W Taylor,	31	Philadelphia,	dysentery,	24	cured,	do
J Barbour	23	England,	do	18	do	do
J Nelson	21	Long Island,	intermittent fever,	15	in hospital,	do
D McMillan	39	New York,	do	"	cured,	do
M R Wilcox	33	Pennsylvania,	disease of spine,	20	in hospital,	do
P Wirtenbury	29	Germany,	injury,	"	do	do
W O Harra	29	Ireland,	diarrhœa,	19	cured,	do
C Brown	42	Maine,	paralysis,	"	in hospital,	do
J Croy	28	Ohio,	intermittent fever,	20	cured,	do
F Fitzsimmons	23	Ireland,	do	19	in hospital,	do
P Kelly	23	do	rheumatism,	"	do	do
J P Ryan	42	do	dysentery,	"	do	do
J Champion	64	New York,	abscess of cornea,	"	do	do
A Beakley	20	Ohio,	herpes,	20	cured,	do
W Cunningham	25	Ireland,	ophthalmia,	"	in hospital,	do
J Kelly	7	do	intermittent fever,	"	do	do
Q Elfers	19	Germany,				

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
J Clark	26	Ireland,	1852, Dec. 14	intermittent fever,		in hospital,	City patient.
R Thorn	35	New York,	"	diarrhea,		do	do
A Rains	38	Lima,	"	laryngitis,		cured,	do
J Conally	26	Pennsylvania,	"	intermittent fever,	1852, Dec. 13	in hospital,	do
G B Brewster	29	New York,	"	do		do	do
G Metzner	42	France,	"	typhoid fever,		do	do
B Eaton	42	Maryland,	"	15 fistula in ano,		do	do
J W Smith	23	Ohio,	"	intermittent fever,		do	do
F Stanley	25	England,	"	abscess,		do	do
J Basset	27	France,	"	intermittent fever		do	do
J Merlin	20	South Carolina,	"	ulcer,	" 20	cured,	do
P Byrne	30	Ireland,	"	injury,	" 19	do	do
A Zimmerman	37	Denmark,	"	cholera,	" 17	dead,	do
J Williams	25	Connecticut,	"	intermittent fever,		in hospital,	do
F Fairbank	58	Belgium,	"	injury,		do	do
H Prince	23	Canada,	"	small pox,	" 23	dead,	do
Mrs M McCarty	45	Ireland,	"	intermittent fever,		in hospital,	do
Bridget McCarty	15	New Orleans,	"	do		do	do
Eugene McCarty	8	do	"	do		do	do
Jeremiah McCarty	3	do	"	do		do	do
Margaret McCarty	4	do	"	small pox,		do	do
M Ryan	22	Ireland,	"	16 intermittent fever,		do	do
R Coltwright	23	Illinois,	"	remittent fever,		do	do
J M Johnson	27	Sweden,	"	rheumatism,		do	do
C Looney	35	Massachusetts,	"	intermittent fever,		do	do
D Dautera	25	France,	"	do		do	do

R Grafton	41 Italy,	1852, Dec. 16	wound,	1852, Dec. 24	cured,	City patient.
P Linsky	21 Ireland,	"	intermittent fever,	"	in hospital,	do
A A Brown	25 New York,	"	diarrhœa,	" 27	dead,	do
W Reed	35 do	"	gun-shot wound,	"	in hospital,	do
J Toney	19 Long Island,	"	dysentery,	" 19	cured,	do
J Andrews	18 Virginia,	"	small pox,	" 29	do	do
J Alarquil	51 France,	"	scorbutis,	"	in hospital,	do
L Lawson	31 Sweden,	"	rheumatism,	"	do	do
C Johnson	31 Massachusetts,	"	remittent fever,	"	do	do
M Ruth	18 Ireland,	"	intermittent fever,	"	do	do
J Tracy	20 Philadelphia,	Dec. 17	cholera,	" 18	dead,	do
T Bibby	32 England,	"	intermittent fever,	"	in hospital,	do
A H Wilmot	43 New York,	"	dysentery,	" 22	dead,	do
J Clark	28 do	"	Panama fever,	"	in hospital,	do
A Davis	27 South Wales,	" 18	dysentery,	" 27	cured,	do
J Williams	27 Maryland,	"	orchitis,	"	in hospital,	do
H W Levit	32 Philadelphia,	"	intermittent fever,	"	do	do
F Powell	31 Germany,	"	debility,	" 27	cured,	do
F Leights	43 do	"	Panama fever,	" 24	do	do
R Brompton	27 Scotland,	"	rheumatism,	"	in hospital,	do
D Manly	40 Ireland,	"	ulcer,	"	do	do
J Schröder	24 New York,	"	rheumatism,	"	do	do
M Jockuaire	27 France,	"	eozema,	" 20	cured,	do
Co-Chin-Foo	43 China,	"	dropsy,	"	in hospital,	S M Hospital.
J Sellander	25 Norway,	"	intermittent fever,	"	do	do
P Conally	25 Ireland,	"	bronchitis,	"	do	City patient.
A Davis	21 do	"	dropsy,	"	do	do
Miss A Dougherty	25 do	"	intermittent fever,	"	do	do
J Mullen	21 do	"	ophthalmia,	"	do	do
E Sallet	36 France,	"	intermittent fever,	"	do	do
W Murphy	35 Ireland,	"	typhoid fever,	"	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Huskin	28	Boston,	1852, Dec. 20	dysentery,	Dec. 25	cured,	City patient.
H Carret	27	France,	" "	intermittent fever,	" 25	in hospital,	do
F Seabourn	17	Sweden,	" "	do	" 25	cured,	do
W Robertson	25	Pennsylvania,	" "	syphilis,	" "	in hospital,	do
J Brown	30	England,	" "	dysentery,	" 27	do	do
J Chase	28	Boston,	" "	do	" 27	cured,	do
L Luff	42	Delaware,	" "	small pox,	" 30	in hospital,	do
G Kunacka	22	Sandwich Islands,	" "	scrofula,	" 30	do	do
J Burke	28	Ireland,	" "	rheumatism,	" "	in hospital,	S M hospital.
T Coburn	36	Massachusetts,	" "	intermittent fever,	" 27	do	City patient.
A Lena	28	Italy,	" "	Panama fever,	" 23	cured,	do
A Blanc	39	France,	" "	do	" 23	dead,	do
M Montgomery	24	Ireland,	" "	rheumatism,	" "	in hospital,	do
F Reichster	25	Germany,	" "	syphilis,	" 25	do	do
T Hall	50	Scotland,	" "	dysentery,	" 25	dead,	do
H Sebby	35	Maine,	" "	pleuritis,	" "	in hospital,	do
Lebillet	40	France,	" "	rheumatism,	" "	do	do
W Farbes	23	Canada,	" "	intermittent fever,	" "	do	do
Sandy	11	Oregon	" "	pneumonia,	" "	do	do
A Potter	23	Ohio,	" "	small pox,	" "	do	do
H Meadows	26	New York,	" "	diarrhea,	" "	do	do
E McKan	24	do	" "	intermittent fever,	" "	do	do
W Kelly	35	Ireland,	" "	do	" 25	in hospital,	do
A Journot	42	France,	" "	diarrhea,	" 25	dead,	do
A Brown	22	Rhode Island,	" "	do	" 31	in hospital,	do
N Parris	38	Mexico,	" "	rheumatism,	" 31	cured,	do

	(1852, Dec. 25)	(1852, Dec. 29)	in hospital,	City patient.
J Bennett	27 Ireland,	dysentery,	do	do
L Landarra	30 Chile,	remittent fever,	do	do
Abramis	42 France,	do	do	do
V Arevocha	50 Spain,	do	do	do
Z Gillot	35 France,	intermittent fever,	cured,	do
J Milbank	20 Mobile,	do	in hospital,	do
A Gattier	40 Spain,	injury,	do	do
C Walbert	15 Bavaria,	27 intermittent fever,	do	do
G Hernandes	21 Spain,	dysentery,	do	do
A Ray	42 Maine,	intermittent fever,	do	do
F Kennedy	23 Canada,	do	do	do
R C Smith	24 Ohio,	small pox,	do	do
J White	29 Germany,	intermittent fever,	do	do
J McCarty	38 Ireland,	dropsy,	do	do
J H Wescott	27 Connecticut,	disease of throat,	do	do
C J Powell	37 New York,	intermittent fever,	do	do
W Garkin	27 England,	28 orchitis,	do	do
J Oerr	22 Louisiana,	bronchitis,	cured,	do
T W Fletcher	22 Baltimore,	rheumatism,	in hospital,	do
A Marchand	25 France,	intermittent fever,	do	do
T Glendy	46 Scotland,	burn,	do	do
W Graham	53 England,	scorbutis,	do	do
R Grant	22 New York,	intermittent fever,	do	do
E Smith	29 Germany,	abscess,	do	do
J Russell	30 Massachusetts,	pyalism,	do	do
J Guarra	15 Chile,	disease of heart,	do	S M Hospital.
M Napiton	60 France,	dysentery,	do	City patient.
W Morgan	24 Wales,	intermittent fever,	do	do
P Finley	44 Kentucky,	dysentery,	do	do
P Morris	26 Sandwich Islands,	syphilis,	do	do
H Bottsford	27 Connecticut,	intermittent fever,	do	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
P Harserer	22	Germany,	1852, Dec. 30	intermittent fever,		in hospital,	City path-out.
L Margot	34	France,	" 31	do		do	do
D Mathews	46	Ireland,	"	ulcer,		do	do
J Millson	52	England,	"	injury,		do	do
P Cleinigen	50	Germany,	"	dysentery,		do	do
J Little	26	England,	"	Panama fever,		do	do
W Hart	20	Ireland,	"	intermittent fever,		do	do
J Kaney	37	do	"	rheumatism,		do	do
E Chammells	35	Holland,	"	intermittent fever,		do	do
P Robone	24	France,	"	do		do	do
M Mahau	27	Ireland,	"	diarrhœa,		do	do
P Maloney	34	do	"	fracture of tibia,		do	do

*RECEIPTS and EXPENDITURES on account of the "San Francisco State Marine Hospital,"
from January 1st, 1852, to January 1st, 1853.*

RECEIPTS.						EXPENDITURES.							
1852.	Passenger Tax.	City of San Francisco.	Gaming License.	Pay Patients.	Total.	Old Board of Health.	Board of Trustees.	Treasurers Office.	Physicians Salary.	State M. Hospital.	Wages and Labor.	Legal Account.	Total.
Balance on hand, January 1st.	\$1,438 84	\$5,000 00	\$14,356 7		1,438 84								
January,.....	2,022 00				21,408 74			650 00	\$3,750 00	\$4,177 60	\$2,027 52	70 00	\$10,008 62
February,.....	2,141 00	2,300 00			4,441 00			250 00		3,100 00	1,925 77		5,325 76
March,.....	6,182 00	2,300 00			8,482 00			2,280 00	3,750 00	3,400 00	2,263 67	450 00	6,023 66
April,.....	11,289 15				11,289 15			1,096 00		3,400 00	1,570 00		10,369 40
May,.....	2,700 00				2,700 00		156 00	823 73		3,400 00	1,570 00		6,370 00
June,.....		10,500 00	13,352 42		23,852 42		100 00	905 00		3,400 00	1,570 00	610 00	9,740 01
July,.....	14,634 75				14,634 75			1,637 25	2,916 66	3,417 99	1,708 11	450 00	8,762 00
August,.....								450 00		5,308 26	2,405 42	450 00	8,762 00
September,.....	11,476 39		2,000 00	3,518 79	13,476 39	11,986 10	350 00	1,050 00	3,750 00	3,389 36	2,405 42	450 00	8,762 00
October,.....	20,166 36	7,500 00		974 00	28,640 06	3,731 61	100 00	450 00	3,750 00	6,637 86	2,317 82	1,000 00	20,223 64
November,.....	3,052 53	2,300 00		260 00	5,789 53	1,353 00		450 00	944 36	6,636 86	2,625 13		12,511 35
December,.....			10,666 25		10,666 25	550 00		1,444 50	3,750 00	9,427 57	3,040 53	450 00	18,963 00
	\$75,059 76	\$30,500 00	\$40,385 41	\$4,752 79	\$150,697 96	\$10,822 71	\$706 00	\$10,116 50	\$18,961 02	\$59,401 06	\$23,519 66	\$4,120 20	\$108,547 45

Total Receipts, \$150,697 96

Total Expenditures,
Balance January 1st, 1853,

\$138,547 15
12,150 81
\$150,697 96

RECAPITULATION.

Whole number of Patients admitted into the State Marine Hospital at San Francisco, from January 1, 1852, to January 1, 1853, - - - - 2,283

Of these there were, Americans,	-	-	-	-	875
“ “ Foreigners,	-	-	-	-	1,408
Total,	-	-	-	-	2,283

Males,	-	-	-	-	2,220	Adults,	-	-	-	-	2,266
Females,	-	-	-	-	63	Children,	-	-	-	-	17
Total,	-	-	-	-	2,283	Total,	-	-	-	-	2,283

1,604 of this number were discharged cured.

368 have died.

311 remain in Hospital, January 1, 1853.

Total, 2,283.

1,898 of the above were received on account of the City of San Francisco.

334 were Commutation Patients.

51 were Pay Patients.

Total, 2,283.

The Places of Birth of the Foreign Patients are as follows :

France, - - - - 228	Prussia, - - - - 3	Austria, - - - - 1
England, - - - - 153	Peru, - - - - 3	Manila, - - - - 1
Ireland, - - - - 411	Chile, - - - - 38	Spain, - - - - 11
China, - - - - 171	Western Islands, 9	Hungary, - - - - 1
Germany, - - - - 145	Sandwich Islands, 5	Mexico, - - - - 23
Sweden, - - - - 44	Poland, - - - - 12	Finland, - - - - 1
Norway, - - - - 29	Isle of France, - 1	Scotland, - - - - 52
Denmark, - - - - 11	Hindustan, - - - 2	Belgium, - - - - 6
Portugal, - - - - 3	Cape de Verde, - 1	Wales, - - - - 10
Italy, - - - - 5	Sicily, - - - - 1	Canada, - - - - 11
Switzerland, - - - 3	Russia, - - - - 4	New South Wales, 4
Nova Scotia, - - - 1	Isle of Jersey, - 1	West Indies, - - - 3

DISEASES OF PATIENTS IN STATE MARINE HOSPITAL AT
SAN FRANCISCO, FROM JAN. 1, 1852, TO JAN. 1, 1853.

Abscess,	32
Anasarca,	11
Anthrax,	11
Aneurism,	2
Apoplexy,	4
Ascites	17
Asthma,	18
Bronchitis,	34
Carditis	7
Cholera,	58
Cholera-Morbus,	12
Chorea,	3
Colica-Pictonum,	6
Delirium-Tremens,	26
Dislocations,	15
Diarrhœa,	247
Dysentery,	123
Eczema,	4
Epilepsy,	5
Erysipelas,	21
Fever, Continued,	193
" Intermittent,	538
" Typhoid,	165
" Remittent,	121
Fistula,	12
Fracture,	32
Gastritis,	11
Gonorrhœa,	23
Herniplegia,	9
Hepatitis,	16
Hernia,	13
Hydrothorax,	3
Icterus,	10
Iritis,	8
Nephritis,	5
Ophthalmia,	34
Orchitis,	7
Paralysis,	19
Peritonites,	14
Phthisis Pulmonalis,	33
Pleuritis,	27
Pneumonia,	34
Ptyalism,	16
Rheumatism,	97
Scorbutis,	43
Scrofula,	14
Small Pox,	44
Stricture,	18
Syphilis,	37
Wounds, Gun-Shot, etc.,	31

DEATHS IN THE STATE MARINE HOSPITAL AT SAN FRANCISCO, FROM JAN. 1, 1852, TO JAN. 1, 1853.

Died of Abscess,	4	Died of Fever, Remittent,	19
" Anasarca,	2	" " Typhoid,	41
" Aneurism,	1	" Fracture,	3
" Apoplexy,	2	" Herniplegia,	4
" Ascites,	5	" Hepatitis,	1
" Asthma,	1	" Hydrothorax,	2
" Bronchitis,	2	" Paralysis,	2
" Carditis,	5	" Peritonitis,	7
" Cholera,	45	" Phthisis Pulmonalis,	19
" Cholera Morbus,	3	" Pleuritis,	7
" Delirium Tremens,	10	" Pneumonia,	11
" Diarrhœa,	42	" Rheumatism,	3
" Dysentery,	34	" Scorbutis,	8
" Epilepsy,	2	" Scrofula,	4
" Erysipelas,	3	" Small Pox,	6
" Fever, Continued,	52	" Syphilis,	4
" " Intermittent,	3	" Wounds, Gun-Shot, etc.,	11

Respectfully submitted,

FRANK T. MAYNARD,
Clerk S. M. Hospital.

San Francisco, January 1, 1852.

[Document No. 22.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

COMMUNICATION

FROM THE

SECRETARY OF STATE.

[GEORGE KERR, STATE PRINTER.

THE UNIVERSITY OF CHINA PRESS

COMMUNICATION

FROM THE

SECRETARY OF STATE.

OFFICE OF THE SECRETARY OF STATE, }
Benicia, February 25, 1853. }

To the Hon. the Assembly of California :

In compliance with a resolution of the Assembly of the 21st inst., I have the honor to state, that of the seven hundred volumes of the Acts of 1852, ordered printed under the law of the last session relative to the public printing, there have been distributed to the different Counties, Officers of the State, Members of the last and present Legislatures, States and Territories of the Union, Members of Congress, Congressional Library, and the State Department of the Sandwich Islands, six hundred and seventy five copies, leaving now in the library twenty five copies. To the counties alone there have been distributed five hundred and ten copies.

I would further state in this connection, that the most urgent solicitations have been and still continue to be received from every quarter of the State, calling for an increased supply of the laws, which in consequence of the very limited number on hand, have, much to my regret, to be passed unsatisfied.

I embrace this opportunity of suggesting a modification of the law of 1850, relative to the manner of distributing the laws and journals through the State, so as to allow the Secretary of State to adopt some more effective method of performing this work, so necessary and indispensable to the convenience and interests of the people of the different portions of the State.

I have the honor to be,
J. W. DENVER,
Secretary of State.

[Document No. 23.]

IN THE ASSEMBLY.]

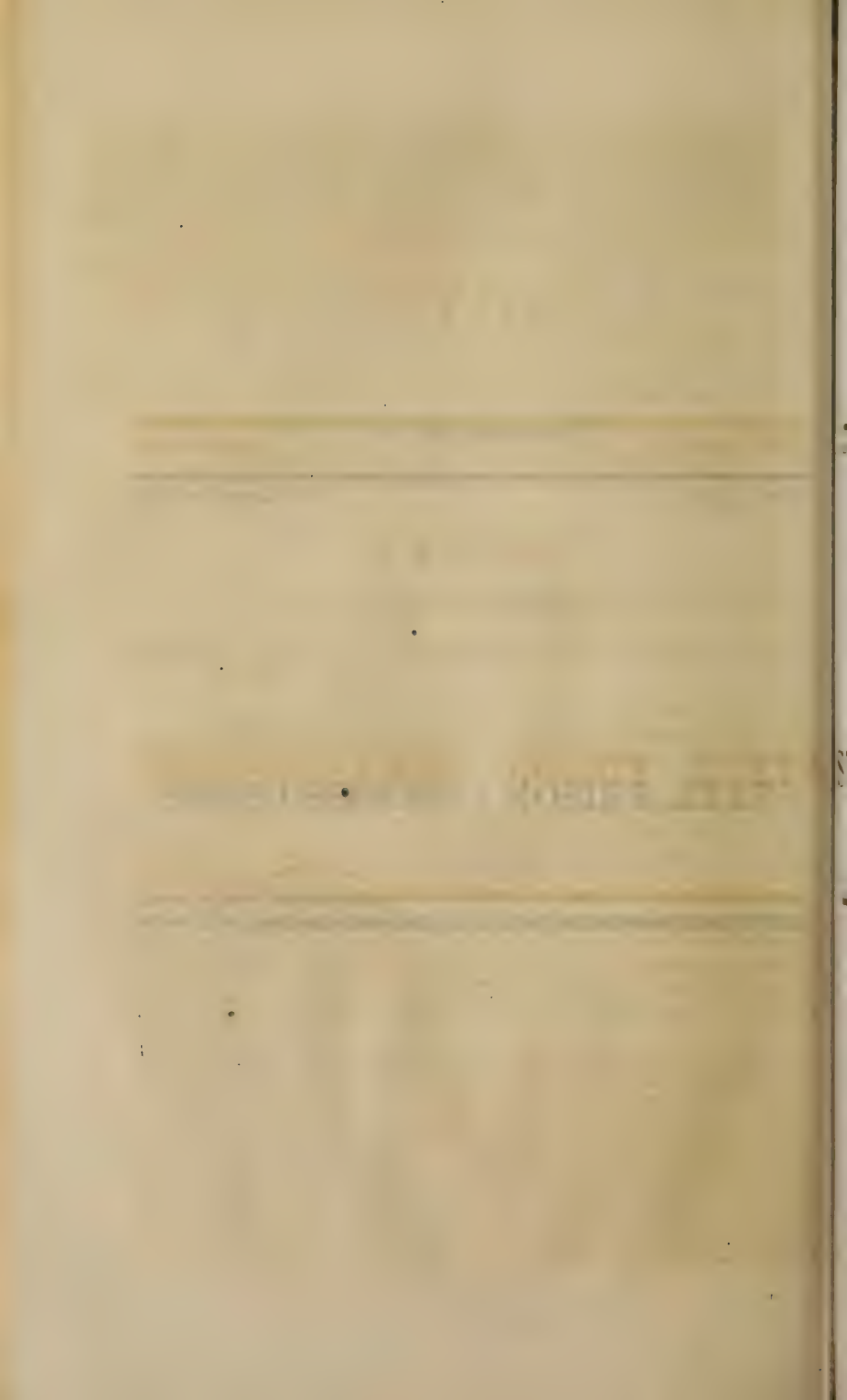
[SESSION OF 1853.

R E P O R T

OF THE

STATE PRISON COMMISSIONERS.

[GEORGE KERR, STATE PRINTER.



IN THE ASSEMBLY.]

[SESSION OF 1853.]

REPORT

OF THE

STATE PRISON COMMISSIONERS.

[GEORGE KERR, STATE PRINTER.]

REPORT

OF THE

STATE PRISON COMMISSIONERS.

OFFICE OF SUPERINTENDENT OF PUBLIC BUILDINGS.

To the Honorable Speaker of the House of Representatives of the State of California :—

The undersigned, appointed Commissioners by Act of the Legislature May 1st, 1852, to select a suitable location for a State Prison and to contract for the building of the same, have discharged the duty thus devolving upon them, and beg leave to report :

That duly impressed with the importance and responsibility of the trust confided to them, they proceeded directly after their appointment to examine and survey the points which were at first recommended to their consideration, as the most appropriate localities for the site of a permanent prison. Their attention was in the outset directed to Goats Island, opposite to the City of San Francisco, and if security alone against the escape of convicts was to be considered, this Island would have been entitled to a first choice ; but after diligent investigation, the undersigned could not determine in whom the ownership of this island was vested, and not being authorized to purchase under a doubtful or insecure title, this locality was rejected.

Angel Island was the next site considered, but no warranty of a title could here be obtained, and without considering its advantages, it was necessarily passed. It was deemed important that the prison should be built on some point contiguous to the Bay of San Francisco, and passing by the two islands before mentioned, the most suitable locality was found at Point St. Quentin, near the mission of San Rafael, and distant from San Francisco about twelve miles. No other place on the bay appeared to the undersigned to possess superior or equal advantages. It is within the line of steamboat navigation, and easy and safe of access. It is an elevated, healthy and conspicuous point ; good water is obtained on the

ground, and abundance of wood in the neighborhood. Quarries of stone suitable for building purposes, apparently inexhaustable, are found within the prison limits and immediate vicinity. Clay, well adapted for the manufacture of brick, forms the substratum of the ground selected, and it has been demonstrated by actual practice, that the convicts can be worked to advantage upon the ground now designated as the prison limits.

Ten thousand dollars, the amount appropriated for the purchase of a site, were paid for thirty acres (20 acres) of land on Point St. Quentin; but the contract provides for the building of a wharf leading to sixteen feet water in the bay, without charge to the State, and to be free forever to its use.

The undersigned having thus far, they believe, without impeachment of motive, discharged faithfully their duty to the State, proceeded next to contract for the building of the Prison, and in passing, they must be permitted to refer to the gratuitous and vindictive assaults which have been made upon them personally, and upon their official action by the public press, or by malicious and irresponsible persons availing themselves of this mode of attack. The malignity of interested Stock Brokers; the harpies who live by crying up and down the State credit, the moths who feed and fatten upon State script: the "Bulls and Bears" who gamble in State securities can not be measured by argument, or silenced by facts; and it would be extra official, and not comport with our self respect to analyze pointless invective that has become stale to the public ear. The undersigned have had a duty to perform, a task they were commissioned to accomplish, and they are prepared to show they have been faithful to their trust.

Pursuant to the law under which the undersigned hold their appointments, they published at large proposals for building a State Prison; it will not be denied that ample time, ample information and due publicity were given: that competition was invited, and the undersigned have only to say that after an impartial consideration of all the proposals submitted to them; the contract was awarded to the lowest responsible bidder. And now, sir, the undersigned respectfully submit the contract which they have made, to the candid consideration of the Legislature: if in their official capacity they had bound the State to pay exorbitant prices, or even higher than the current prices of the country, if they had violated any law, or abused the extraordinary powers conferred upon them, they might approach the representatives of the people with diffidence and doubt; but the contract wears an open face, it is composed of figures and facts; it is susceptible of measure, it has length, and breadth, and depth convertible into cubic yards; and what it ought to cost is susceptible of exact calculation. It is by measurement that the work is let, and the accompanying papers will show that measure by measure in comparison, the Prison will be built cheaper than like work is being or has been done in any part of the State; it may be that the undersigned are at fault in requiring the Prison to be completed within the period of one year, but they see no reason to doubt that the magnitude of the plan will give rise to a structure not more than commensurate with the prospective wants of the State. Older States have larger population, but the number of convicts is increasing in a fearful ratio and will soon outnumber those in many of the States that have prisons of superior dimensions.

Even were it now practicable, the undersigned would not recommend a remodelling of the plan with a view to its contraction, but it is understood that the contractors will be content to build within one year only the most essential portions, proceeding afterwards from time to time, or from year to year, according to the public wants, and with a due regard to the means of the State.

All of which is respectfully submitted.

JAMES GRAHAM,
Superintendent Public Buildings.

GEO. McDOUGAL,
J. MILLER.

[Document No. 24.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

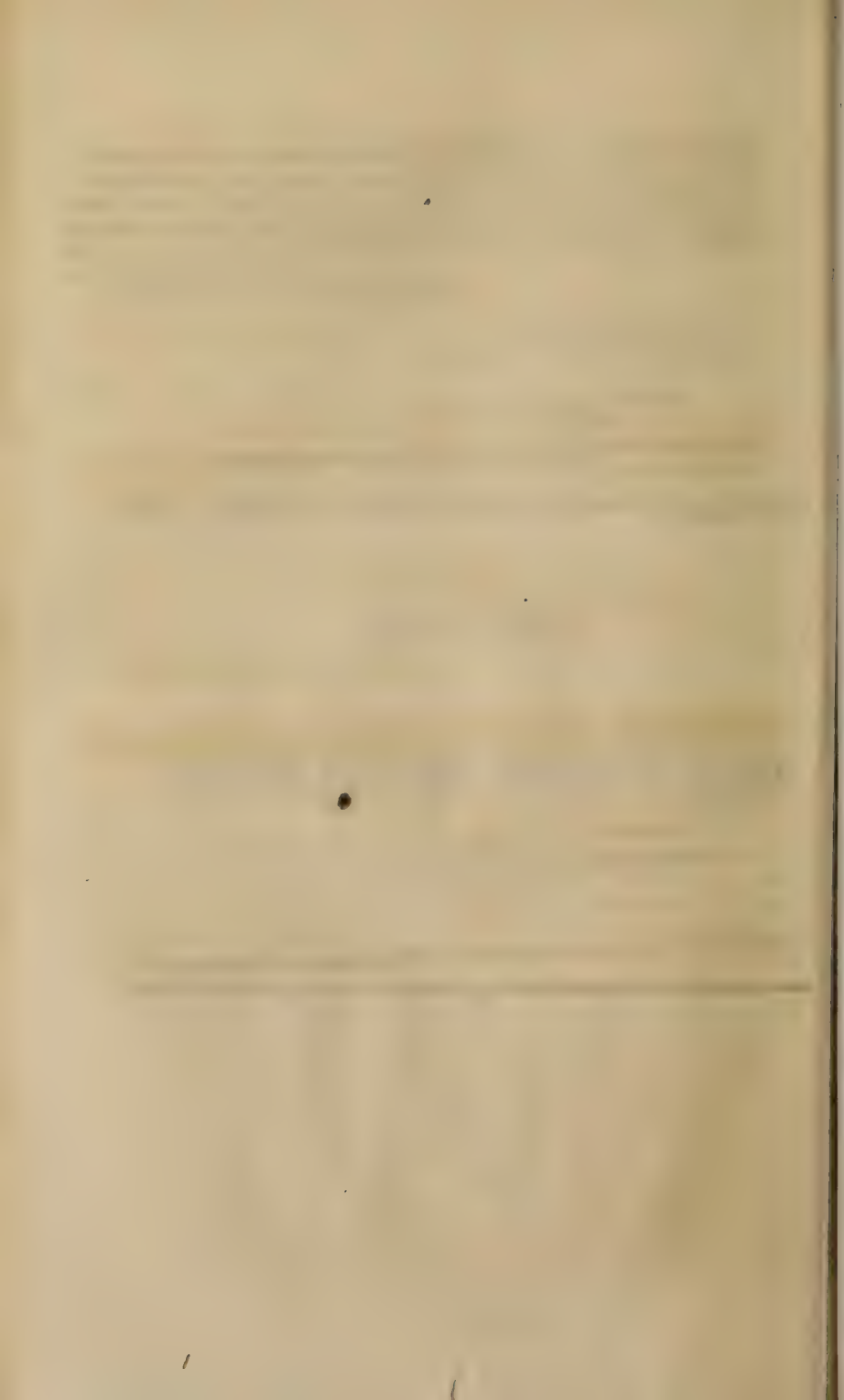
R E P O R T

OF THE

AMOUNT OF RECEIPTS INTO STATE TREASURY,

FROM JULY 1, 1852, TO FEBRUARY 26, 1853.

[GEORGE KERR, STATE PRINTER.]



[DOCUMENT NO. .]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT

OF THE

AMOUNT OF RECEIPTS INTO STATE TREASURY,

FROM JULY 1, 1852, TO FEBRUARY 26, 1853.

[GEORGE KERR, STATE PRINTER.

COMPTROLLER'S OFFICE,
BENICIA, February 28, 1853. }

To the Honorable Speaker of Assembly :

SIR :—In answer to the resolution of your body, passed the 25th instant, I have the honor to transmit herewith the information therein solicited.

Very respectfully,

Your ob't ser'vt,

WINSLOW S. PIERCE,

Comptroller of State.

RECEIPTS

*into the State Treasury from July 1st, 1852, to Feb. 26th, 1853,
inclusive.*

RECEIVED FROM	IN CASH	3 PER CT. BONDS	WARRANTS	TOTAL
Butte County,	\$3,092 73	\$199 00		\$3,291 73
Calaveras County,	9,870 96			9,870 96
Contra Costa County,	9,159 40			9,159 40
Colusi "	1,178 86			1,178 86
Comptroller of State,			\$235 00	235 00
Commissioner of Immigrants,	60,483 65			60,483 65
El Dorado County,	23,535 52			23,535 52
Funding Commis'rs San Francisco,	10,000 00			10,000 00
Klamath County,	549 62			549 62
Los Angeles "	9,354 53			9,354 53
Monterey "	5,821 55			5,821 55
Marin "	3,014 68			3,014 68
Mariposa "	6,091 28			6,091 28
Napa "	1,725 00			1,725 00
San Francisco County,	47,202 97	20,850 49		68,053 46
" City,	5,113 31	6,999 19		12,112 50
San Diego County,	595 11			595 11
San Luis Obispo County,	1,353 13			1,353 13
San Joaquin "	13,438 88			13,438 88
Santa Barbara "	3,430 34			3,430 34
Santa Cruz "	146 30			146 30
Santa Clara "	1,890 09	193 80		2,083 89
Sacramento "	14,657 29			14,657 29
Siskiyou "	3,402 27			3,402 27
Sutter "	2,781 02			2,781 02
Solano "	570 26			570 26
Shasta "	429 27			429 27
Sonoma "	8,449 53			8,449 53
Placer "	17,798 95			17,798 95
Nevada "	8,405 99			8,405 99
Trinity "	766 65			766 65
Tuolumne "	12,734 52	136 00	600 00	13,470 52
Yuba "	4,856 67			4,856 67
Yolo "	4,576 01			4,576 01
Secretary of State,	812 00			812 00
Sales of School Lands,	20 15		154,539 85	154,560 00
	\$297,308 49	\$28,378 48	\$155,374 85	\$481,061 82



[Document No. 25.]

IN THE ASSEMBLY]

[SESSION OF 1853.

COMMUNICATION

FROM THE

·COMPTROLLER OF STATE.

[GEORGE KERR, STATE PRINTER.

THE

LIBRARY

OF THE

W

COMPTROLLER'S OFFICE,
Benicia, February 28, 1853. }

To the Honorable Speaker of Assembly :

Sir:—In answer to the resolution of your body, passed the 25th inst., I have the honor to transmit herewith the information therein solicited.

Very respectfully,
Your obedient servant,
WINSLOW S. PIERCE,
Comptroller of State.

RECEIPTS

Into the State Treasury from July 1st, 1852, to Feb. 26, 1853, inclusive.

Received from.	In Cash.	Three per cent. Bonds.	Warrants.	Total.
Butte County, - - -	\$3,692 73	\$199 00		\$3,291 73
Calaveras, - - -	9,870 96			9,870 96
Contra Costa County, - - -	9,159 40			9,159 40
Colusi, - - -	1,178 86			1,178 86
Comptroller of State, - - -			\$235 00	235 00
Commissioner of Immigrants, -	60,483 65			60,483 65
El Dorado County, - - -	23,535 52			23,535 52
Funding Commis'rs San Francisco,	10,000 00			10,000 00
Klamath County, - - -	549 62			549 62
Los Angeles County, - - -	9,354 53			9,354 53
Monterey " - - -	5,821 35			5,821 35
Marin " - - -	3,011 68			3,011 68
Mariposa " - - -	6,091 28			6,091 28
Napa " - - -	1,725 00			1,725 00
San Francisco County, - - -	47,202 97	20,850 49		68,053 46
" City, - - -	5,113 31	6,999 19		12,112 50
San Diego County, - - -	595 11			595 11
San Luis Obispo County, - - -	1,353 13			1,353 13
San Joaquin " - - -	13,438 88			13,438 88
Santa Barbara " - - -	3,430 34			3,430 34
Santa Cruz " - - -	146 30			146 30
Santa Clara " - - -	1,890 09	193 80		2,083 89
Sacramento " - - -	14,657 29			14,657 29
Siskiyou " - - -	3,402 27			3,402 27
Sutter " - - -	2,781 02			2,781 02
Solano " - - -	570 26			570 26
Shasta " - - -	429 27			429 27
Sonoma " - - -	8,449 53			8,449 53
Placer " - - -	17,798 95			17,798 95
Nevada " - - -	8,405 99			8,405 99
Trinity " - - -	766 55			766 55
Tuolumne " - - -	12,470 52	136 00	600 00	13,470 52
Yuba " - - -	4,856 67			4,856 67
Yolo " - - -	4,576 01			4,576 01
Secretary of State, - - -	812 00			812 00
Sales of School Lands, - - -	20 15		154,539 85	154,560 00
	\$297,308 49	\$28,378 48	\$155,374 85	\$481,061 82

[Document No. 26.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

R E P O R T

OF THE

SELECT COMMITTEE OF THIRTEEN

TO WHOM WAS REFERRED THAT PORTION OF THE GOVERNOR'S
MESSAGE RECOMMENDING CERTAIN ALTERATIONS
IN THE STATE CONSTITUTION.

[GEORGE KERR, STATE PRINTER.]



REPORT

OF THE

SELECT COMMITTEE OF THIRTEEN.

The Committee of Thirteen, to whom was referred that portion of the Governor's Message recommending certain alterations in the State Constitution, respectfully beg leave to submit the following report :

They have given to this subject that consideration which the circumstances of their situation, and their limited means of investigation would allow.

Every attempt to change the fundamental laws of government must necessarily be regarded with jealousy and solicitude, and your committee cannot but feel the importance of the duty which has devolved upon them, and acknowledge their embarrassment, in recommending any plan for the correction of those evils and imperfections which, we conceive exist in our present Constitution.

Your committee are aware of the fact that many of the people of this State are opposed to any amendments whatever, both for the reason that they deprecate frequent changes in the organic structure of government, and because they look upon our Constitution as amply sufficient for the present wants of the State, and do not think the time has yet arrived, when experience shall have pointed out the errors of our present system, and directed the proper policy for us to adopt as a State.

On the other hand, it is urged with much plausibility and justice, that our present Constitution was adopted at a time when California was yet in embryo, and its framers could not, unless gifted with the power of divination, have foreseen the unexampled prosperity which she was destined so soon to attain, and consequently could not understand the wants of a State, which has in a few years, from comparative insignificance, become the goal for the enterprise and capital of the whole world, and is yet destined to overshadow her sister States of the Atlantic.

As we have increased in wealth and population, and extended our commercial relations, we have felt sensibly the influence of many restrictive

clauses in our Constitution, which have fettered and retarded the growing prosperity of the State.

The present impoverished condition of the treasury, and the acknowledged incapacity to sustain the credit of the State, and carry on the government without the imposition of ruinous and onerous taxation, which would drive capital from our shores to seek an investment elsewhere, have excited the fears of every one, and directed the attention of the public to some radical changes, which will obviate the evils which now threaten us.

We have carefully examined the recommendations of His Excellency, the Governor, and heartily concur with him in urging the amendments proposed.

The adoption of biennial for annual Sessions of the Legislature, would appear to be urgently demanded by the peculiar condition of the State. Our territory is so extensive, that the new laws, and amendments of existing statutes, are not published and acted upon, before, in many instances, they are repealed. Such has been the history of California legislation, from the first State Legislature to the present time. Our volume of the laws of the last Legislature is not yet published. No doubt many of its amendments will be repeated or amended by the present Legislature, of which nothing will be known for a period of one year or more. It is thus impossible for the people to keep themselves acquainted with their laws, or to know by what directions they are to be guided in matters affecting their most important interests. On the score of economy, as well as wisdom and certainty in our laws, your committee would earnestly recommend biennial sessions. It appears from the report of the Comptroller of State, that for the last three biennial years, our aggregate receipts from all sources of revenue have amounted to \$7,000,000. The expenses of the Legislature during that time have amounted to the enormous sum of \$1,100,000. Our legislative expenses for the last three years have, therefore, consumed our whole income during that period by the sum of \$400,000. We may easily calculate upon a saving of \$500,000 every alternate year, by exchanging the sessions of the Legislature from annual to biennial.

A change, however, as important as this, and which must necessarily require other and corresponding changes, not in the opinion of our committee, best be effected by a convention of delegates elected by the people to revise the entire Constitution.

Another object to be accomplished by a new Constitution is the reduction of our number of District Judges in the State. Six Judges, well paid and well employed, might easily do and so all the District Court business of California. We might, in this respect, effect a saving of between thirty and forty thousand dollars per annum. The present incumbents are elected for a term of six years from the first day of last January. It is the opinion of able law men and eminent jurists that by a change in the Federal District Court the present incumbents be deprived of their salaries.

The great number of unnecessary offices with which our Constitution and the Treasury are cumbered, might well be dispensed with. The vast and complicated machinery of government which our present Constitution imposes upon the people of this State, which might possibly be tolerated by a State with four or five millions of inhabitants, would, in the opinion of your

committee, be happily replaced by a form of government much more simple and economical, and better suited to our small and sparse population. Our whole Constitution is upon too grand a scale. Doubtless the minds of its framers were directed into a far futurity, which, by the golden light of the era of its formation, was brought before their mind's eye in deceitful proximity. Otherwise, we can scarcely imagine how such a crushing burden of useless and expensive forms—of vast and superfluous machinery—of costly names to satisfy unknown wants, and of functions dearly and annually purchased to do what nobody wished done, should have been strapped upon the backs of this and coming generations, to be borne by them through poverty and tribulation, as a rich and suitable gift from the Convention of 1849, to their distant posterity of the twentieth century. It has been customary for nations to incur debts in accomplishing objects which last through centuries, and enure to the benefit of future generations,—and such custom is deemed just,—but it is certainly quite a novel doctrine to burden a century with what is entirely useless to itself, that it may be transmitted to its successor in the hope that some use may there be found for it. Your committee would not be understood as casting any reflection upon the framers of the present Constitution. They committed an error common to Constitution makers, who think that by novel regulations they can subserve the true interests of the body politic for which they undertake to present a fundamental law. Fortunately for them, they may with truth say there was no body politic possessing interests to be consulted; and we may say for them that, while they extended their authority through time and over space, and directed it to every conceivable object, they yielded to the seductions of power as it is the weakness of man to yield, and made their will the commandment and the law, through time as long, and space as great, as it was presumed would be tolerated.

Your committee agree with His Excellency the Governor in the opinion that the last enumeration of the people of this State may without inconvenience be acted upon until the census of eighteen hundred and sixty is taken by the Federal Government. That which is just completed has cost the State at least one hundred thousand dollars. The census of eighteen hundred and fifty-five, required to be taken by the present Constitution, we have every reason to believe will be still more expensive. By a revision of the Constitution this unnecessary expenditure may be avoided, and perchance at a time too when the financial condition of the State will most require it.

The attention of your committee has also been directed to the spirit of dissatisfaction which exists in the southern and agricultural counties of the State, in consequence of the disparity between taxation imposed upon them, and their representation. While the people of this State feel the injustice which necessarily is done to the inhabitants of these counties, they are constrained to acknowledge the evil so much complained of, unless by a change in the Constitution, and the incorporation of principles which will leave the Legislature unfettered, and place in their hands the power of graduating taxes and representation upon a sound and equitable basis.

As another important reason for calling a Convention to revise the entire Constitution, your committee would refer to the provision in the present

instrument against contracting a State debt, except under such restrictions as render the borrowing of money by the State almost impossible. The effect of this provision, which prohibits an aggregate indebtedness of more than \$300,000, has been the contracting of a debt which, on the 15th December last, amounted to \$2,349,483 83. With such a practical operation, it may be reasonably doubted whether the prohibition is of any value, if indeed the indebtedness of the State has been legally contracted. The constitutionality of the various Acts for funding the State debt is, in the opinion of your committee, very questionable, as well as that of the various appropriation bills directing the Comptroller to draw upon an empty treasury-box. Comptroller's Warrants, drawn according to law, are neither more nor less than promissory notes given by the State, and made payable when there is money in the treasury. They create a present indebtedness, although the payment thereof may be deferred until the State has funds. Whether an indebtedness incurred by the State for a consideration advanced to it, other than money borrowed, is not such indebtedness as is prohibited by the Constitution, is worthy of serious consideration. It is very clear that any indebtedness, no matter how remote may be the time of its promised liquidation, is prohibited beyond the amount specified in the clause referred to. In the opinion of your committee, neither the character of the consideration advanced the State, as whether it consist in money borrowed, or furniture, stationery, or other property purchased, or services received; nor the time of liquidation, as whether the promise be to pay on demand, or after a period of twenty years or more, changes in any manner the operation of the Constitution in its limitation of the power of the Legislature respecting the creation of a State debt.

It has been argued that the expenses rendered necessary by the operation of the government created by the Constitution itself, must be regarded as being sanctioned by the Constitution, despite the prohibition of which we are treating. Your committee are acquainted with no *rule of interpretation* which authorizes them to *imply* the existence of a power, which is *expressly* denied in the most general and comprehensive terms. It is very true, there is a stringent necessity for arriving at the supposed power in some mode or other. The continuance of our State Government depends upon the power of the Legislature to incur debts, but that makes no advancement towards proving that the power under discussion is not absolutely prohibited by the Constitution. Besides, if the Legislature have, by necessary implication, the power of creating debts for the support of the government, it follows that the borrowing of money for such purpose, being the cheapest mode of payment, would constitute the most reasonable and proper exercise of the power. Yet, if California were to enter the money market, with proposals to borrow a million of dollars, who would lend it, with this clause of the Constitution staring the world in the face? Who would then have the boldness to avow that the borrowing a million of dollars by the State, to be applied to the maintenance of its government, and to defraying the expenses necessary to its very existence, is a power impliedly given by the Constitution to the Legislature, when by that instrument it is expressly taken away from them. It is very clear that this implied power would badly stand such a practical test. And it is equally clear that if the power cannot be implied

in favor of the creation of a debt, the consideration being money lent for the purchase at the cheapest rate, of things essential to the continuance of the government, still less can it be implied in favor of the creation of a debt, the consideration being the maintenance of the government in a manner less effective and much more costly. The reasons by which the argument in favor of this implied power is supported, apply with much more force in favor of the legality of borrowing money, despite the prohibitory clause of the Constitution, than in favor of the creation of a debt under the circumstances which have attended the existing one: because in no other manner can a State like California, which possesses a vast property, good credit, a great future and no money, so effectively and economically maintain its government, as by borrowing money for that purpose.

As we before said, the practical operation and grand result of the clause under discussion, is a debt of more than *two millions three hundred thousand dollars*. And your committee will add, that rarely, heretofore, has a State or individual purchased so little with so large a sum of money. But this result was inevitable, and might have been foreseen, as your committee, under a continuation of the system can easily foresee, and safely predict larger results of the same kind. The State must have what it necessarily requires at any price, else its government must come to a stand. The State has no money wherewithal to buy its necessaries. It cannot borrow money in Europe or New York, where it may be had at six per cent. per annum. It cannot devote its large domain of overflowed swamp lands to raising money, which in a few years might easily be repaid by moderate taxation. All its property, which is not money, is entirely useless as an article of exchangeable value. It can pay for what it is obliged to purchase, only by drafts upon a treasury which is empty, and enjoys the likelihood of remaining so for a number of years to come; consequently it pays a double or treble price for everything it buys, even for the services of its legislators and other officers. The seller does not expect to receive money from the treasury in honor of his draft thereon. He believes of a certainty that his draft will be converted into stocks, and the debt which the State owes him into a funded debt, payable twenty or thirty years hence, with interest at the rate of six or seven per cent. per annum. He calculates the price of such stock, and finds that the brokers, availing themselves of the advantage of a foreign market, of which the State is deprived by the present Constitution, can afford to purchase seven per cent. funds at fifty cents on the dollar, and are satisfied with fourteen per cent. per annum on their money, at a time when every other borrower in the State must pay at least three per cent. per month. According to this calculation, the State is forced to pay for everything it purchases, just double the price for which it might be bought for cash. In this way our present enormous debt has been created. Thus do we account for the very small benefit received for so large a sum of money. We may reasonably ask ourselves, if it would not be as well for the State to avail itself of its own credit and property to borrow money at a low rate of interest, and for a long time, as to be continually funding year after year, its promises to pay double prices, thereby enabling brokers to sell in the money market, at par value, the credit of the State, which to the State itself was worth only fifty cents on the dollar. Your committee, therefore, considering

the very questionable legality of the present mode of creating the State debt; the unquestionable extravagance and wastefulness of the system, and the ruinous extent to which it must inevitably proceed, would respectfully urge the necessity of effecting a change in this objectionable and costly provision of the Constitution; and that they regard such change, or some material modification thereof, as a good reason why the proposed question of calling a convention should be submitted to the people.

Your committee desire, also, to call your attention to our Judiciary System. While the present system is apparently sufficiently simple in its organization, and speedy justice is offered to litigants, still it is not free from imperfections. The Supreme Court of the State, is, by the Constitution, composed of but three Judges, two of whom are required to constitute a quorum; in case of the sickness or absence of two, there might be a total failure of justice.

The duties of this Court are arduous and important, and the increase of litigation requires a corresponding increase of Judges. Under a late decision of the Judges of that Court, there is no power in the Governor or Legislature to provide for filling temporary vacancies occasioned by absence or otherwise; and it may not unfrequently happen that the disqualification of Judges by interest or otherwise, will indefinitely postpone or defeat the rights of litigants. An increase of Judges from three to five, and the incorporation of a clause in the Constitution, authorizing the Governor to fill such vacancies would, in our opinion, greatly facilitate the transaction of business, and render the administration of justice more speedy, certain and uniform.

In connection herewith, your committee would direct your attention to a subject, which, in all countries, and especially in those possessing democratic governments, requires the gravest consideration of the people and their law makers. The present Constitution refers the appointment of all Judicial Officers to the voice of the people. Your committee find no fault with this feature of the Constitution; but they think it is not guarded with the jealous and watchful care demanded by a subject so delicate and of such infinite importance. We pride ourselves upon our limited government; upon the limited powers of the executive; upon the limited powers of the legislative department; we are too apt to forget that the Judicial branch exists, and must from the nature of its functions continue to exist, in the possession of *absolute and uncontrollable power*. We cannot limit the Judicial power by lessening the subjects of which it shall have cognizance, for the business habits of a free and enterprising people necessarily lead to differences between individuals, and to innumerable rights and wrongs, which require resort to courts of justice.

Neither is it possible to limit the Judicial power by holding the Judges responsible for their illegal decisions to any earthly tribunal. Who shall say that the error, which has wrought injustice, is the fault of malice or corruption, and not the result of ignorance or folly? Nor is it possible to limit the Judicial power by depriving its judgments of absoluteness and finality. There must be a Court from which there shall be no appeal, and whose judgments on all matters belonging to its jurisdiction shall be finally pronounced and absolutely obeyed. To this view of the nature of the Judicial power

the attention of the people should be earnestly called. A citizen's right to his life, to his liberty, to his reputation, to his property, and to his dearest and social relations, so far as any one or all of them may be involved in the construction of the law, are in the hands of a body of men possessing absolute, irresponsible and uncontrolable power. In what respect soever, it is possible for human tyranny to treat a human being, there may the Judicial power of this republic reach him, and be responsible to no man for the wrong. It follows as a necessary consequence, that the only guaranty against enormous and irremediable abuse of power in the Judicial department is to be found in the proper qualifications of the Judges. The most distinguished attributes of a Judge should be impartiality between suitors; a profound knowledge of the law; indefatigable industry; inexhaustible patience; a sincere desire to do what is right; a profound regard for all moral observances in form and substance; an elevated, dignified, sober, consistent and prudent life, for a Judge should not only take care that he pronounce the law aright; he should, moreover, so conduct himself as to win by the strength of his intellect and the daily beauty of his life the profound respect and unlimited confidence of the people who have submitted to his judgment their Constitution and their Laws, and every right and interest which governments are instituted to protect. The unsettled condition of our laws, and the great variety of new questions involving vast amounts of property, fill our courts with cases upon which great results depend. Perhaps the courts of justice of no nation in the world have so many important principles, affecting immense interests, to pass upon, as those of this State.

We therefore regard it as a matter of the greatest importance that some provision should be incorporated into the Constitution, whereby, as far as possible, the deleterious effects of political combinations and the evil results of party intrigues and contrivances in foisting upon the people unworthy candidates for judicial offices, may be guarded against. In the opinion of your committee the election of Judges is of itself a matter of sufficient importance to engage the careful attention and awaken the solicitude of the people. We owe no duty to the State or our fellow-citizens more important than the selection of a proper judge. With an able, upright, honest and independent judiciary, the Constitution will be sustained, the laws observed, and rights protected. Such a judiciary constitutes the corner stone and true foundation of republican institutions. Without it, republicanism is but a name. Our Constitution is careful in providing that the powers of the Executive, Legislative and Judicial Departments of Government shall be kept separate and distinct.

It may be said that the Constitution cannot by any provision secure this desirable end. We may at least approximate to it, by removing the election of Judges a certain length of time from all other elections, and by directing the single and undivided attention of the people to the qualifications of the men who are presented or who present themselves as candidates for judicial power and honor. The introduction of such a provision in the Constitution is much to be desired; and here do we find another reason for calling a Convention.

Your committee fully concur with His Excellency, the Governor, in the following additional recommendations :—

“That the first section of the ninth article of the Constitution be repealed, and the duties of the Superintendent of Public Instruction devolve upon the Secretary of State, or upon Commissioners to be chosen by the people of each school district or township.

“The office of Superintendent of Public Instruction, as a distinct department, is of very doubtful necessity, as an original question ; and if, under any circumstances, it were desirable, can now with propriety be dispensed with, and thus relieve the Treasury annually to the amount of the salary and contingencies of that office. In adopting the policy proposed, we follow the example of a large majority of our sister States on this interesting subject. On examination, it will be found that more than two-thirds of the members of the confederacy have, after mature experience, in some of them, finally settled down on the measure advocated by this amendment. The States of Vermont and Wisconsin are the only ones which have constituted this a separate and independent office ; New York, Massachusetts, Illinois, and Pennsylvania have merged the duties of this office in that of the Secretary of State ; Indiana has placed it in the hands of the State Treasurer ; Connecticut, with the State Auditor ; and Maine, New Hampshire, Louisiana, Mississippi, Alabama, Florida, Georgia and Missouri have divided them out among commissioners elected by the people of the various school districts. Such commanding precedents should not be disregarded by us.

“The fundamental law of government, which can only be changed after long and strenuous effort, it would seem, should be confined to provisions for great and admitted principles and measures, and leave the ways and means of carrying those great truths into effect to the wisdom and patriotism of the legislative power, acting under a knowledge of the peculiar circumstances of the times.

“The twenty-fifth section of the fourth article is equivocal and doubtful in its construction, and would seem to impose a novel, unnecessary, expensive, and—as it has been sometimes acted on—inoperative duty. It provides that, in order to revise or amend an Act or Section, the Act or Section proposed to be amended must be re-enacted and re-published at length. This requisition increases considerably our printing expenditures, and from the useless labor required, is frequently disregarded in practice. Thus, at one and the same time teaching us to evade the solemn injunctions of the Constitution which we have sworn to support, and uselessly enhancing the demands upon the Treasury.

“I therefore recommend that the portion of this section liable to these objections be repealed, and that the section be left to read, ‘Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title.’

“That the eighteenth section of the fifth article of the Constitution, providing for the election of Surveyor General, be amended, and that the whole matter of the necessity of appointment or election of such officer be confided to the Legislature. The reasons for this recommendation are the same as those which obtain in the case of the Superintendent of Public Instruction.

“The eighth section of the eleventh article provides that the fiscal year

shall commence on the first day of July. I recommend that this section be so amended as to make the commencement of the fiscal year on the fifteenth of December. The reasons for this change will readily present themselves. Under the existing provisions, the Legislature which assembles on the first Monday of January, cannot obtain satisfactory information from the Annual Reports of the Comptroller and Treasurer as to the condition of the State finances, after the first day of July preceding. And, consequently, it becomes necessary for this information to be obtained by special resolution, always at great expense of time and labor to those officers. If the change suggested, however, were made, the Reports of these officers would display the condition of our finances up to the fifteenth of December, and be much more satisfactory.

“The office of Superintendent of Public Buildings is believed to be unnecessary, and a useless burden to the Treasury. I recommend, therefore, that the law creating that office, unless it expired by limitation on the first of January, as is believed to be the case, be repealed, and that the duties thereof be required to be performed by some one, or all of the State officers, without additional compensation; or that some other disposition be made of those duties which will relieve the Treasury of the expenditures incident to that office. In this too, we follow the example of most of our sister States. New York vests these duties in the Governor, Lieutenant-Governor, Speaker of Assembly, Secretary of State, Attorney-General and Comptroller, by right of office. Mississippi vests them in the Auditor and Treasurer of State. Illinois places them with the Secretary of State. Wisconsin with the Governor alone. In no State of the Union, save that of Missouri, can I find this constituted a separate and distinct office.”

To the defects in the Constitution already pointed out, your committee are aware many others of magnitude might be added, but they are of opinion that sufficient has been seen of the errors of that instrument to awaken attention, and peradventure enough to satisfy the thinking and the candid, that an entire revision of its provisions is imperiously demanded by the best interests of the State.

Your committee entertaining these views in regard to the numerous and important changes which should be made in the fundamental law of the State, deem it scarcely necessary to enter into argument to prove that the entire Constitution should be revised, and that the proposed alterations cannot be effected by any set of amendments to be proposed by the Legislature to the people. It is obvious that the subjects of the proposed revision are numerous and important, and if adopted, would in a great measure change the entire structure of the present Constitution.

Your committee deem it to be consonant with truth and reason, and with the true spirit of the Constitution *to effect the results of an entire revision* of that instrument, in the mode therein recommended, and not in the manner pointed out for the accomplishment of quite a different object. By a convention of delegates chosen by the people for that purpose, and not by amendments proposed by the Legislature.

The members of the present Legislature were not elected with the understanding that any amendments were to be made, and it is but just that their constituents should be heard before any alterations are proposed. It may

be that the people of this State prefer the present system, defective as it is, to the uncertainty which must always attend a change of the organic law of the State: and it would be useless labor and expense to waste the time of two successive Legislatures in discussing proposed amendments, which are liable to be rejected as soon as the voice of the people can be heard upon them.

Changes in the Constitution in certain respects, necessarily require also corresponding changes in others—biennial sessions adopted, would necessarily increase or diminish the terms of various officers. Proposed amendments submitted to the people may, perhaps be in part adopted, and in part rejected, and the amendments adopted required as indispensable, those rejected, or others. If, however, it be contended that the proposed amendments must go together, all to share the same fate, and be together adopted or rejected, then this mode of amending the Constitution is still the more objectionable; for it may be that the people desire a certain amendment, but not just as proposed. Then, and in that event, they are placed in the peculiar predicament of being required to vote for an amendment as they do not want it, or to vote against any amendment, when in truth they want one. Another objectionable feature in this mode of amending the Constitution is, that if pursued, it will necessarily occasion that instrument to be undergoing continual changes, assimilate it to special statutes, destroy its efficiency, and injuriously affect every vested right in the State. Above all things, our fundamental law should be stable, certain, and consistent with itself. It should be plain, harmonious and intelligible. Itself being designed as the Supreme Law of the State, with which all others must conform, should, as little as possible, be liable to doubt, and the subject of Judicial construction and Legislative debate.

One of the principal arguments against a Convention to revise the Constitution is the expense with which it would be attended. Your Committee can scarcely award to gentlemen who urge this objection the credit of sincerity. For in the first place it is not the question of calling a Convention by the Legislature, for which they contend. It is simply that the question of a Convention, or no Convention, shall go to the people. This, your committee recommend, because it can cost the State nothing worthy of note at all; because by it, and it alone, can successfully be taken the preliminary steps towards the adoption of a system of retrenchment and reform, which is imperiously required to save the State from bankruptcy and ruin: because it will save, if the Convention be called and biennial sessions be adopted, at least a quarter of a million of dollars yearly. The census of 1855, if also dispensed with, will save the State nearly, if not fully, the entire cost of a Convention. We further propose to dispense with five or six District Judges, and to abolish numerous sinecure offices, which will have large salaries attached to them as long as the offices exist. On the score of economy we think there can be but one opinion among gentlemen who take a rational view of the subject. There are these, however, who stand opposed to submitting this question to the people, and who still contend for amendments of the Constitution by the Legislature. The impolicy of this course to your committee appears evident—first, from the fact that it virtually resolves the present Legislature into a Constitutional Convention;—assumes as

a certainty that the people desire alterations in the Constitution ;—presumes that the precise alterations demanded are exactly understood ;—makes the members of the present Legislature the elected delegates of the Convention ;—occasions an expense to the State equal to that of the very Convention those gentlemen are contending against : and all this, too, without any expression whatever from the people, or without their being first consulted. Now we would inquire in all candor, what difference can there be in the expenses of two successive Legislatures while considering and acting upon the Constitution, and a Convention of Delegates elected by the people for the same purpose ? The number of Delegates cannot exceed that of both branches of the Legislature, and the time of the sitting of either, as well as their compensation, is indefinite. Gentlemen have, perhaps, not reflected upon the vast amount of time that must necessarily be consumed in discussing proposed amendments to the Constitution by two successive Legislatures ; also the probabilities of their disagreement, and of amendments to amendments being proposed by the latter to be acted upon by the one then next ensuing ;—all of which must evidently tend to an increased consumption of time and an increased amount of expense.

Again, it has been said, that the people have expressed no desire to have a convention. This objection, your committee are of opinion, is not well founded ; for, although, no general and universal call from every portion of the State has been made, yet we are very sure that quite a large and respectable number of our citizens do entertain the hope, that they will be allowed to vote upon a question of so much interest to them ; and, indeed, in not a few instances, have they so declared themselves. We take it, that whenever the people have agitated the question of changing the Constitution, they have as often agitated the question of a convention ; and that in no instance have they ever, in this State, urged the propriety of changing that instrument in any other mode. It should also be borne in mind, that the people of our State are a free and independent people—as well privileged to silence, as to the freedom of speech—as well to remain mute, if they so choose, as to herald forth their opinions and wishes to the world ; and that the interests of none should be disregarded through mistaken notions of their indifference in respect to the question at issue, because, forsooth, they have chosen to exercise but the rights of freemen.

It is urged, also, that although the time will soon arrive, that it has not yet come, for revising the Constitution ; the hour is not yet rife. Your committee would beg leave to ask, *for what should we wait ?* By what political Miller is the year and month to be prognosticated ? What system of chronology ? What book of the Prophets ? do they consult, who see into the necessities of the future, and cannot discern the wants of the present day. To what extent do they desire the catalogue of grievances to be increased, before they will consent to afford a remedy ? How large a State debt do they desire to accumulate before they will yield to retrenchment, and to the abandonment of a ruinous system of extravagance ? How heavy shall be the burden, how devastating the effects of unequal taxation, before they will consent to distribute the burdens and the blessings of government equally over all parts of the State ? How long shall rich sinecures be retained, that the people may pay with actual labor for imaginary services,

and be reduced to want in process of supplying the fancied necessities of State. Wait a little longer, say the opposition, and then will the proper time have come. Your committee think it due to the people, the real sufferers and parties in interest, that they themselves should be heard upon this important question, and that immediately. If they desire a convention changing the Constitution, why deny them? If they do not, why not hear them?

Your Committee herewith submit the accompanying bill, entitled "an Act recommending to the Electors to vote For or Against calling a Convention to Revise and Change the entire Constitution of this State," and earnestly recommend its passage.

BENJ. F. MYRES,
Chairman.

ELCAN HEYDENFELDT,
ROMUALDO PACHECO,
W. F. TILGHMAN,
R. G. READING,
F. W. KITTREDGE,
SELDEN ALLEN McMEANS,
A. G. McCANDLESS,
PATRICK CANNEY,
CHAS. A. LEAKE,
PHIL. MOORE,
SAM. BELL,
CHARLES FAIRFAX.



[Document No. 27.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

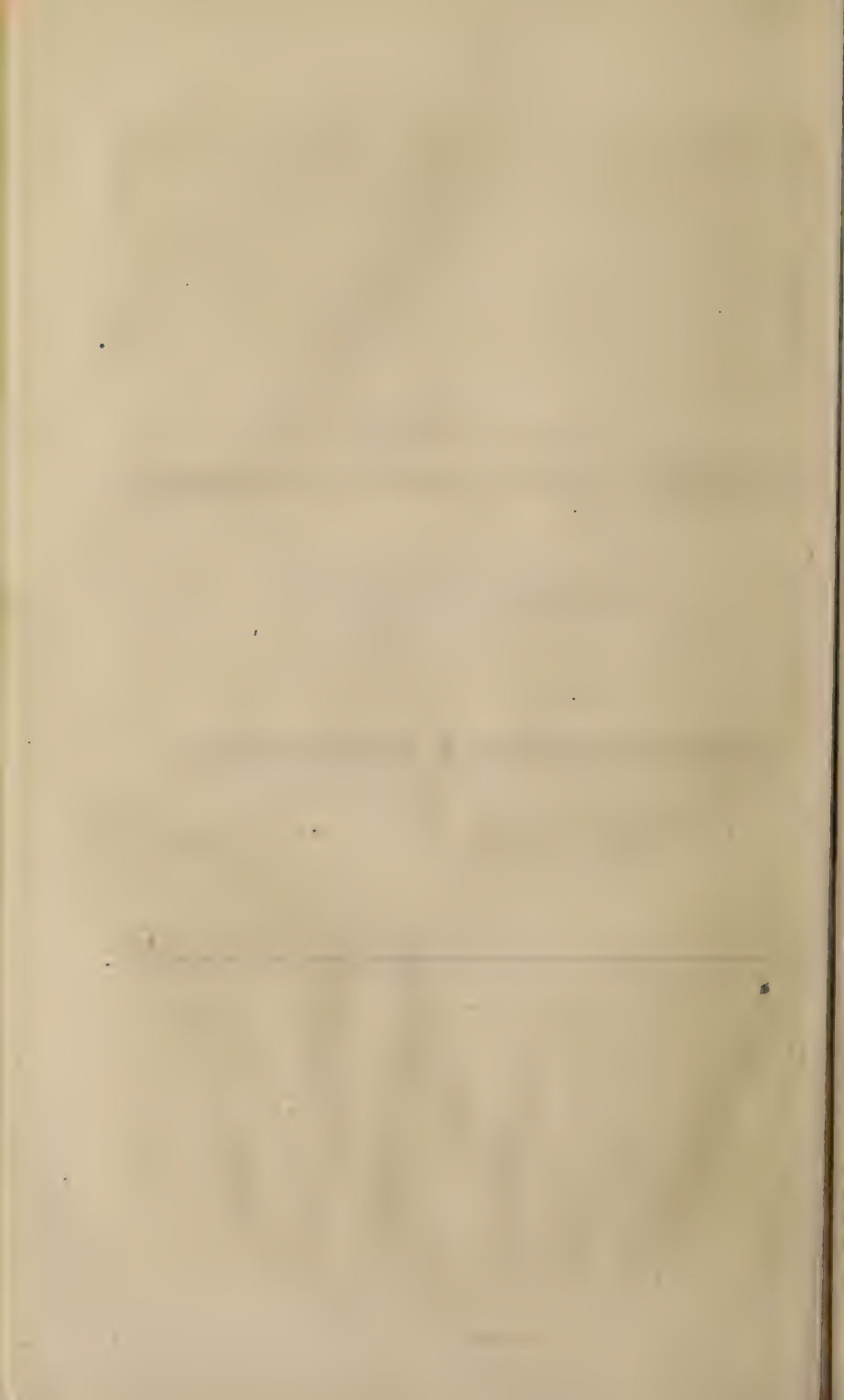
REPORT OF THE CHAIRMAN

OF THE

COMMITTEE ON COMMERCE

IN RELATION TO EXTENDING THE CITY FRONT OF SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.]



R E P O R T

OF THE

CHAIRMAN OF THE COMMITTEE ON COMMERCE.

MR. SPEAKER:

The Committee on Commerce and Navigation, to whom was referred that portion of the Governor's message which relates to the Extension of the front of the City of San Francisco, have had the same under consideration, and ask leave to make the following report:

Your committee, in compliance with their duties, have investigated the question of the practicability of extending the front of the city of San Francisco, and also the necessary measures to be adopted for the accomplishment of that object, with all the contingencies, with which it is at present complicated. The discussion of the feasibility of this undertaking having been before the public for some time, has been the means of eliciting many facts in relation to this measure highly interesting to the community, touching, as it does, the three great points of consideration, and involving each and all of them, viz: Commerce, Economy and Finance.

Your committee, in the pursuit of their duties, have availed themselves of the practical experience and observations of men who have been intimate with the Bay and Harbor since the year 1849, and whose business has been almost exclusively confined to those branches of employment that are immediately connected with the great commercial interests of the State, men engaged in Harbor and Bay employments as Pilots, and other duties in connection therewith.

Your committee deem that a correct knowledge of the effects of the currents of the Bay is necessary to a full understanding of this matter in all its parts; with this view, your committee have solicited the aid of the persons alluded to, and to Capt. Urie we are much indebted for a great portion of the data on which the chart herewith submitted is drawn.

The chart comprises that portion of the Bay between Tonquin Shoal and the south side of Rincon Point, bounded on the north and east by

the Alcatrazes and Yerba Buena Islands, and is designed to show the course of the principal spring and neap tides (flood and ebb) with the counter currents that are produced from the relative positions of the headlands and islands adjacent with the effects of the counter tides and eddies on the Bay; also the original water line, prior to the Water Lot Extension beyond Montgomery street, with the depth of water in fathoms as acknowledged at the present time, the incident and reflected angles of the flood tide, and its effects in producing in part the early ebb, the velocity of that ebb, with the eddies near the end of Market street and Central Wharves. The chart further shows the course of the proper ebb tide and its velocity, the position of a number of vessels prior to the turn of the tide from flood to ebb, and the position of the proposed Breakwater near North Point, and the course of the winds that prevail during what is generally termed the winter season. It is a conceded fact, that the system heretofore and at present pursued of filling in the shoaler portions of the Bay has had an injurious effect, both from the material that has been used, and from its causing the softer substance on which it is thrown to protrude so as to shoal the water to a considerable distance in what is called the Harbor of San Francisco.

The excavation of this mud cannot, in the opinion of your committee, be of any permanent advantage to the Bay, as it must necessarily be deposited at some other point, the result of which would be the production of an artificial shoal, thus rendering navigation more complicated; moreover, the mud thus excavated would soon be replaced by the loose sand at present used for filling in, so that if the entire mud was at this time excavated, one year would place us in the same position again, with the addition of a shoal in some other part of the Bay, or a still greater accumulation on those now existing.

Your committee would recommend that a Breakwater be constructed at the point designated on the chart, or at some other suitable position, said Breakwater not to exceed the deepest depression that existed in the indentation of the Bay prior to the extension of the city beyond Sansome street, measuring from a straight line extending from North to Raccoon Points: the effect of this would be to form an artificial harbor, which would be equal to the original, prior to its having been destroyed by any extension, and would afford ample protection to at least one thousand vessels at all seasons of the year.

A Breakwater so constructed would further have the effect of deflecting the flood tide in a such a manner as to throw a much greater amount of water through the channel to the north and east of Yerba Buena Islands, and also destroy the tide ripple immediately below North Point, and thus prevent, in a great measure, that accumulation which is the cause of the increase of Tonquin Shoal so much beyond its former limits; one third of the velocity of the flood tide would also be avoided, which, it is evident, must produce a beneficial effect in the channel by deepening the same during the time occupied in ebbing. In addition to this, a point of great practical importance would be attained in the destruction of the obnoxious influence of that early ebb which, sweeping from Raccoon to North Points with a velocity of from two to three knots per hour, and commencing from one to two hours before the flood tide ceases. (The course and velocity of this counter current are indicated on the chart, and it

needs but a glance to comprehend the effect.) So great a body of water moving with that velocity must be an active agent in the displacement of a large amount of the loose and soft bottom in the shoaler parts of the Bay and slips, and deposit the same in other places where the force of the current is less violent. In connection with this current is an eddy which forms near Market street wharf, and pursues a circular course nearly over to Pacific wharf; this eddy appears to commence a short time before the setting in of the early ebb, and has rotary motions of about two knots, and seems to have an immediate connection with the ebb above alluded to. The causes of this early ebb are supposed to arise from a reflection of the flood tide on Yerba Buena, and the shores on the eastern and southeastern portions of the Bay, for any such reflected current would produce all the effects that are herein noticed, and it is an anomaly in the history of tides which cannot well be attributed to other causes. A reflection from the flood tide on Yerba Buena Island, in its direct course, would strike Rincon Point and the adjacent vicinity in positions indicated on the chart. A Breakwater thrown out on the southeastern extremity of Rincon Point would arrest this ebb and render the harbor more commodious and safe. The result of these improvements would be to produce but two uniform currents in the place of those now existing, together with the counter currents to which they give rise, and which must from their nature continue to enhance these difficulties to a much greater extent than now exists.

Your committee, after a careful examination of the facts that have been elicited, and from the information derived from various sources, are of opinion that the extension of the front of the city of San Francisco not only presents itself as feasible but also judicious; and aside from either of the above considerations, there is another, both weighty and important, which they deem it their duty to duty to present, and that is, the absolute necessity of such an extension.

Your committee therefore recommend that a Breakwater be constructed at North Point, as above set forth, and that an extension be made to extend from the south side of Long or Central wharf, running to a point six hundred feet east from the end of the present city limit and thence south to Rincon Point, with either open or enclosed slips. That all said property be held by the State of California, and leased or sold by a Board of Commissioners to be appointed for that purpose, and that a certain part of the proceeds derived from such leases or sale be paid into the State Treasury, and the balance be appropriated to the building of said Breakwater and building up the city front in a substantial manner, with such open or enclosed slips as may be provided for, so as to effectually prevent further extensions. At the present time your committee are fully aware that the public mind is unprepared for this announcement, but after a careful examination of the subject, they are convinced that an extension is necessary for the ultimate preservation of the Bay and Harbor.

Respectfully submitted.

J. CARDOZO, Chairman.



[Document No. 28.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MAJORITY AND MINORITY REPORTS

OF THE

C O M M I T T E E

ON

MINES AND MINING INTERESTS.

[GEORGE KERR, STATE PRINTER.

1811

Received of the Treasurer of the

City of New York

the sum of

Five hundred and

thirty dollars

for the purchase of

the sum of

Five hundred and

thirty dollars

for the purchase of

the sum of

Five hundred and

thirty dollars

for the purchase of

REPORT

OF THE

COMMITTEE ON MINES AND MINING INTERESTS.

MR. SPEAKER:—

The Committee on Mines and Mining Interests, to whom were referred several bills amendatory of the “Act to provide for the protection of Foreigners, and to define their liabilities and privileges,” approved May 4th, 1852, ask leave to report:

Your committee have given to these several bills the care and attention their provisions merit, and find their objects two-fold: First, to increase the State revenue, and secondly, to exclude certain Foreigners from the mines.

The Assembly could not have regarded the revenue objects as the striking features of the proposed amendments to the existing law; otherwise they would have been referred to the Committee on Ways and Means.

So far as revenue is concerned, we are satisfied the present law needs change.

A larger per centage should be given to the collector of Foreign Miners' tax, and the means for enforcing the payment of the license money should be more stringent; twenty-five per cent. would probably reward the collector, and secure a faithful performance of the duties of the office; and payment of the tax might be enforced by giving the collector authority to assess the amount due from the foreigner, with power to sell under the assessment as under execution; these amendments, together with an increase of the tax to four dollars a month, would make the revenue objects of the law, attainable.

But the second object of these proposed amendments—the exclusion of certain foreigners from the mines, presents a more difficult subject for our consideration.

In this are involved questions of right and justice, as well as of convenience and policy, requiring for their solution numerous facts and enlarged views of political economy.

The difficulty of attaining the ends sought for by the advocates of the exclusive policy may be seen in the language of the bills proposed: Thus, one of the bills would enact that “no Asiatic, or person of Asiatic descent, nor Chileno shall be permitted to work in any of the mines of this State under the provisions of this Act.” Such a clause would unfortunately exclude the whole Caucasian race, of which the American people is almost entirely composed.

And as to the Chileno, why single him out for special reprobation? What has he done to deserve such signal reproof?

And even if the Chileno were excluded by law, how could he be distinguished from the kindred race of Mexico and Peru? Under such a statute, Chilenos would be as scarce as Jewish treasure in the middle ages, and the State would have to provide an ethnologist to accompany the Sheriff in his tour through the mining districts.

Another bill, drawn apparently with more care, and essaying to be more definite, would have us, after demanding and receiving license money from all foreigners, provide “That nothing contained in the provisions of this Act, shall secure Foreign miners, who from their color, nature, and education can never become citizens of the United States, against the liability of being ousted from any mining claim by citizen miners of this State who may be present at such claim, and desirous and prepared to work it immediately, and who shall first pay or offer to pay to such Foreigner, Miner or Miners the cash value of any improvements they may have made thereon—such cash value to be determined by two disinterested citizens, duly sworn, to be selected by each party.”

The injustice of such a provision is at once apparent; we do not release from the payment of the tax, those foreigners, who, in the peculiar language of the bill, “from their color, nature, and education can never become citizens of the United States,” we only take away the property they have paid us to protect.

Then, too, the vagueness of the language, pardonable in an essay, is inconsistent with the strictness and precision we require in a law. Who are the persons that from their color, nature, and education can never become citizens of the United States?

What nature and what education unfit a man for American citizenship?

The Greenlander who dozes away existence over fish-oil and fire, and the Laplander whose intellect is benumbed by six months night, may become citizens of the United States.

Therefore, we presume it is not brutality of nature or savageness of education which work corruption in the blood of a foreigner, and render him incapable of naturalization.

We are constrained to believe the clause we have quoted means nothing at all, and that it was inserted for the purpose rather of rounding a period than of giving force, and clearness, and precision to a law.

It is said, however, that these provisions—indefinite as they are—intend to apply principally, if not entirely, to the Chinese.

If this be so, let us inquire whether the policy they aim at establishing is wise and proper.

Some persons advocate the exclusion of the Chinese, because they fear the immigration of this people will become too large, and thus crowd out our own citizens and other white races. On this ground we have no apprehensions.

Independent of the peculiar influences which operate to keep the Chinese in their own country, the intensity of their attachment to old customs and old opinions, their strong feeling of family and reverence for the government which discourages immigration, we do not think it probable that they will ever be found in the way of Caucasian races. Physiologists tell us that whenever two races meet on the same soil, the weaker is bound to succumb and give way before the stronger.

The superior energy of the Caucasian will always conquer the sullen industry of the Mongal, and the latter can never, either in the struggle of commerce or of arms, compete successfully with the former.

And if all the Caucasian tribes, the American—last in its formation, but destined, undoubtedly, to be most perfect in its development—fears least to meet the other races.

If the American has maintained his place amidst the immense immigrations of Celt and Saxon, Selave and Dane, which have for the last fifty years been pouring into the country, surely he can stand against a people who for centuries have been tyrannized over by a band of Tartars.

It appears to us derogatory to the national spirit and the national character to express a fear of being overrun by any number of Chinese who may choose to land on our shores.

Instead of discouraging immigration of the Chinese, it would better become us to encourage the important trade which is the result of their coming hither.

For a long time European nations have been endeavoring to open the trade of the Chinese and Japanese Empires; and we have also been aiming at the same object for a number of years. With this policy the Federal Government has lately fitted out an expedition with the view of opening trade with the Japanese; and it would ill become the State of California to do aught in contravention of such a wise and beneficial policy.

And how are we to enlarge our trade with China?—surely not by an annihilating the Chinese themselves.

The trade between San Francisco and China has been rapidly increasing ever since the discovery of the gold mines; but last year when the exclusion of the Chinese from the mines was spoken of, the Chinese trade languished, and only revived after it was understood that all foreigners would be permitted to work in the mines on the payment of a certain license tax.

The products of China will certainly be cheaper in our markets if we do not close our ports to the Chinese themselves; and a larger market for our own goods will be created by permitting the Chinese to come among us and acquire the same habits and customs, and therefore the same wants, as we ourselves have. Every Chinese who returns from California to his own

country is a missionary for the propogation of American tastes, and an agent for increasing the demand and the sale of American products.

A necessary consequence of an enlarged commerce between San Francisco and the Chinese ports, will be an increase of the fixed capital in San Francisco. And the more capital there is in our commercial centre, the less opportunity will there be for combinations of capitalists to command the markets and monopolize the trade in the necessaries of life.

It is only where capital is small and limited, that such combinations are able to accomplish their selfish purpose.

Enlarge the amount of capital, and the flour and provision markets will no longer be under the control of men who do not scruple to sacrifice their fellow-beings on the altar of mammon. Let us, then, by all the means in our power, allure to our shores the vast accumulations of Asiatic capital which are the result of ages of labor and economy. Let us invite to our State the hoarded treasures of a people who fear, in their own country, to expose all their wealth to the eyes of greedy Tartars and impoverished mandarins. Thus will we secure benefit to ourselves, and at the same time elevate the inferior race which are to live and trade among us.

We cannot therefore sanction the exclusive policy contemplated by two of the bills referred to us. In addition to the amendments we have already suggested to the Act of 1852, the first section of it should be amended by striking out the clause acknowledging the right of Congress to assume the control of the mining lands of California.

It is not necessary for us at this time, to examine the rights of the Federal Government over the mines ; we only ask that the right of Congress to control them may not be hastily or inconsiderately acknowledged.

We beg leave to report back the several bills referred to us, and to recommend the passage of the bill for "an Act to revise the Act to provide for the protection of Foreigners and to define their liabilities and privileges," with amendments thereto annexed.

JAMES H. GARDNER, Chairman.
T. T. CABANISS,
BENJ. B. REDDING,
R. G. READING,
PATRICK CANNEY.

REPORT

OF THE

COMMITTEE ON MINES AND MINING INTERESTS.

The Committee on Mines and Mining Interests, in reply to the resolution requesting them to impart any information that they had obtained in relation to the Chinese population of this State, respectfully beg leave to submit the following Report :

A number of the Chinese merchants of San Francisco, believing they had conceived a system in relation to the taxation of the Chinese residing in the mining portions of the State, which, if enacted into a law, would be of benefit not only to their people, but also to the State, employed their legal adviser to come before your committee and request for them an interview.

Your committee, believing that the subject was one of importance, and directly connected with the purposes for which your committee was selected, appointed a time and place in San Francisco when they would hear any suggestions the Chinese merchants might have to make, and for this purpose asked a leave of absence. The House having refused to grant such leave of absence, your committee were compelled to employ such times as the House was not in session, and consequently offer this as an excuse for the incompleteness of their report.

From records of the arrivals and departures kept in San Francisco by the authorized agents of these people, it appears that the Chinese population in the State at the present time is between twenty one and twenty-two thousand. By their report the population at one time was twenty-five thousand, but it has since decreased, in consequence of an ill feeling that existed against their people immediately after the publication of the Governor's message of April 23d, 1852. Communications were sent at

that time by the Chinese merchants in San Francisco to the people in those parts of China from whence the immigration comes, informing them of the feeling that existed against them in certain portions of this State. These communications were extensively published in China, and had the effect of causing the emigration to cease, almost entirely.

Nine tenths of all the Chinese in this State are from that province of China of which Canton is the capital.

After the large immigration which took place in 1850, the Chinese, finding that their language, habits and customs were not understood by our people, thought it necessary to establish some system for their better regulation and internal government. Not having among them any authorized agent of their own country, they consulted with the more intelligent of their own people in relation to our form and system of government, and finding it adapted to their wants and the circumstances in which they were placed, they have adopted a system which, when the conservative character of the Chinese is considered, is a remarkable exemplification of the adaptation of a democratic form of government to a people who, although not christians, are generally educated and naturally intelligent.

For the purposes of their better organization in this country they have divided that province in China of which Canton is the capital, into four departments.

All of the Chinese in this State with the exception of about thirty, are members of one or other of these departments. Each department has a house in San Francisco, presided over by two men known as the heads of the houses, who are *elected* by the Chinese in the State belonging to that particular department.

There is also a committee, elected from among the Chinese merchants of San Francisco, who act in conjunction with the heads of the houses in all public matters relating to their people. The heads of the houses receive a stipulated sum as a salary for their services. It is however, worthy of remark, that the heads of two of the houses being wealthy men, have given their services to their countrymen in this capacity gratuitously.

The committee are not paid, and consequently are independent of the heads of the houses, and act as a check upon them. When immigrants arrive at San Francisco from China, they go to the house which represents the particular department from whence they come. Upon recording their names, each individual pays a tax of ten dollars, which constitutes the fund from whence the salaries of the officers are paid, as well as the purposes hereafter mentioned. Clerks are appointed in all these houses, who keep a record of all who come and go, as well as of the receipts and expenditures of money. The heads of the houses grant passports, and allow no person to leave the country if it is ascertained that his debts are unpaid. These houses are largely concerned in the importation and sale of goods from China.

The buildings are also used as hotels, in which all who desire it, belonging to that particular department are boarded. They are likewise used for hospital purposes, in which the sick are cared for and attended by their own physicians.

When Chinese who come to this country are poor and unable to pay their tax, the houses advance them money to go to the mines, to purchase tools, &c., and when the persons receiving this assistance have earned sufficient, the money has been invariably refunded. Those who have been sick and unsuccessful, and desire to return, are also sent back to China.

The clerks keep a record of the places in which the principal bands of Chinese are located, and of their migrations in the mines. The houses are also used as post-offices, in which letters are received from China and distributed in all parts of the mines where these people are located.

When differences arise, the houses are used as courts of justice, in which the heads of the houses set as judges, and enforce the collection of debts and punish for the commission of petty offences—more serious cases being sent to our courts.

Should differences arise between the heads of one of the houses and its members, the committee hear and decide upon it.

When a vacancy occurs among the heads of the houses, either by death or resignation, the committee, together with the heads of the other houses, temporarily fill the vacancy; and messengers are immediately sent to all of the Chinese in the State belonging to that department, who deposit their suffrages with the messengers, and either confirm the appointment or elect another individual—a system which they have adopted from our plan of elections and modified to meet their peculiar wants.

The heads of the houses appear to enjoy the entire confidence of their people, and exert a controlling influence over them.

These gentlemen, consisting of Messrs. Gee Atai and Lee Chuen of the Se yup company, having under their management nine thousand five hundred Chinese; Messrs. Tong K Achick and Lum Teen-kwei of the Yaong Wo company, having seven thousand five hundred; Messrs. Tam Sam and Chun Aching of the Canton company, having four thousand, and Messrs. Wong Sing and Lee Yuk nam of the Suwon company, having one thousand, were presented to your committee, and through their interpreter, Mr. Tong K Achick, stated the grievances of which their countrymen complain, and suggested the remedies which they conceive would do away with the evil.

Your committee find that a record is kept in the several houses, of difficulties which have arisen between our citizens and the Chinese, principally in relation to mining claims. To the correctness of some of these reports, in which the Chinese have been unjustly treated, members of your committee can bear testimony, the facts having transpired under their observation.

Complaint is made that in disputes which have arisen between our citizens and Chinese, in a large number of instances, the testimony and statements of their people have not been allowed before courts of justice, because as has been stated to them, of the color of their skin. Your committee was at some pains to inform them of the legal connection between the color of a man's skin and a complaint in court, but we believe without the desired effect.

They complain that their people are taxed by the State for the privilege of working in the mines, while at the same time the State does not or cannot afford them that protection which is implied in the payment of taxes.

They suggest as a remedy that if the people of the mining counties could be brought to believe that the presence of the Chinese among them was a benefit to the county, they would then find friends among those who are now opposed to them; and to this end they desire that a law should be enacted, increasing if necessary the foreign miners' tax, and making such tax when collected a part of the revenue of the county in which such tax is collected. This they believe would create them friends among the tax paying citizens of the mining counties, or those who would at least be willing to tolerate their people among them, in consideration of the benefit which the counties would derive.

Your committee were desirous of ascertaining if possible, the facts in relation to statements that have been extensively circulated, that a large number of the Chinese who come to this State are hired by Chinese and foreign capitalists, and work here under contract for such employers.

Your committee are assured that although this was done to some extent at one time, yet it was not found to be as profitable as was anticipated and is now abandoned. A very large majority have come as their own masters and with their own means. Some have hired money for this purpose and pledged their property as security for its payment; some have agreed to give the proceeds of their labor for a certain length of time, and others have procured money by pledging their children to be owned as slaves in the event of its non-payment.

The heads of the houses in their interview with your committee, expressed a truly liberal and earnest desire to do everything in their power to increase the trade and commerce between this State and China. They estimate the Chinese capital employed in this State, other than that employed in mining, at two millions of dollars. They assure your committee that from the existing state of feeling in this State against their people, they do not consider it prudent to invite their friends in China to invest capital in the trade and internal improvements of this State. They feel that at the present time they are but tolerated among us, and that their residence is but temporary. They say that it is futile to legislate for the protection of their capital in trade, while at the same time their persons and property are not safe in other occupations.

They desire that some settled and certain policy should be pursued towards their people, that their persons and property may in *fact* as well as in law, occupy the same position as the persons and property of other foreigners.

When this state of things shall have arrived they assure your committee that trade and commerce between the two countries will increase, that capital now lying dormant in China (or at least earning but a trifling interest when compared with capital in this country) will here seek investment in private trade and public improvements, and in fact in everything in the State that gives fair promise of its safe and profitable employment.

To some of the questions which were put by your committee, these gentlemen desired to consult with each other previous to answering.

Your committee take pleasure in including these questions and answers with their report.

Question 1.—What amount of capital have the Chinese in this country?

Answer.—About two millions of dollars, consisting of houses and goods and money employed in trade, and not estimating the tools and property

of the miners, which are worth very little. We cannot speak with certainty but think this sum is not too large. The importation of goods from China was very great last spring, but then suddenly ceased almost entirely. Trade is now beginning to increase again, and we have received information of many valuable cargoes on the way.

Question 2.—What will you do to make the Chinese pay their taxes?

Answer.—The superintendents of the four Chinese houses can furnish to the Tax Collector of each county an interpreter who will accompany him and obey his orders. This interpreter would make known to the Chinese that the Tax Collector was a true officer, and not some one imposing upon them by pretending to be an officer, and use the authority of the superintendents of the several houses to make the Chinese belonging to each house pay the sum that he owed for his taxes. A fair reward to this interpreter ought to be paid by the State out of the fund collected.

Question 3.—Will you divide the Chinese so as to apportion them according to the size of the counties?

Answer.—The superintendents of the four houses will use all their authority to accomplish this object. They cannot promise to cause this distribution of the Chinese to be made immediately, as many men would be much injured by leaving suddenly the places on which they had been employed and on which they had spent much money.

They will, however, endeavor to induce a portion of the Chinese to withdraw from those counties in which they are most numerous and go to other counties where there are now few or none, just as soon and as fast as it can be done without causing great losses.

Question 4.—If a Chinaman cannot pay his tax what will you do to make up the loss to the county, and thereby produce the license for the Chinamen—can you make the Chinamen work?

Answer.—We will use all our authority and influence to compel such Chinamen to obey the proper officers of the State, and perform such labor as may be required of them. If the Legislature passes any law requiring those unable to pay the tax to perform any labor, they should not fix the rate of wages at which it is to be performed too high, as otherwise many might prefer to work who were able to pay—nor too low, so that those who are really poor would suffer more than they deserve.

Question 5.—Cannot the different houses pay the taxes of the Chinamen? Each house can know the number of its men in each county, and they can pay for the China miners and make the China miners pay back to them.

Answer.—The superintendents of the four houses would be very reluctant to enter into an obligation to the State for so large a sum of money. Their organization and means of command over their countrymen have heretofore been sufficient for all necessary purposes, but they would be unwilling to rely upon them exclusively to collect so large an amount of money from their countrymen—sixty or seventy thousand dollars every month. They could not, in case of disappointment, undertake to pay so much out of their resources. They believe that they can safely for themselves and the State promise to serve the officers of the State, and faithfully and humbly give them all the aid in their power in collecting the taxes from their countrymen.

Question 6.—Could the tax be collected without expense to the country?

Answer.—We are unable to propose any plan by which this could be done.

The officers, whether American or Chinese, who devote themselves to the business of collecting the tax would, we suppose, require some compensation for their labor. We do not doubt that there would be a great deal more money collected than necessary to pay the expense of collection.

Some questions were asked as to our ability to prevent too large an emigration from China to this country. We can only say we will use all of our power, in concert with our countrymen at home to this end. We have no authority there, but very confidently believe we could exert much influence. And our representations last spring the emigration ceased almost entirely for many months and now has only partially revived. Of those who are on the way many are traders, who are bringing with them large quantities of Chinese goods. Not so many are miners as formerly.

All of which is respectfully submitted

JAMES H. GARDNER,

Chairman.

MINORITY REPORT

ON

MINES AND MINING INTERESTS.

MR. SPEAKER :—

The undersigned, a minority of the Committee on Mines and Mining Interests, to whom was referred “an Act revising an Act to provide for the protection of Foreigners, and to define their liabilities and privileges,” have had the same under consideration, and with due deference to the opinions of the majority of the committee, with whom we are compelled to disagree, most respectfully submit the following report.

The main question of disagreement was upon the propriety of framing this law, so as to encourage the introduction of the labor of those foreigners incapable of becoming citizens of the United States, into our mining districts.

Past experience has taught us that in our laboring communities, there exists a laudable determination to preserve the dignity and independence of *labor* from the trammelling of masters, or the pollution of serfs, and as base attempts have been made under the sanction of the present law to fasten upon our mining population systems of peonage and slavery, we, therefore, deem it but just to attach to the Act the following Section.

Section 18. The provisions of this Act shall not be so construed as to prevent the Miners in any mining district from adopting and enforcing rules and regulations preventing foreigners, who, on account of their color, are ineligible to the rights of citizenship from working the mines in said mining district.

This will at all times give to the Miners the power of relieving themselves from oppression.

It is but due to *them*, to whom the regulation of our mineral lands have been given, the right to declare what labor shall be employed upon them.—As the drawing of a distinction between the different classes of foreigners has met with much opposition, we purpose briefly setting forth our views upon the question.

The Constitution in the Bill of Rights reads as follows : Article 1st, Section 17th, “ Foreigners who are, or who may hereafter become *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.” Now inasmuch as we can only judge of a man’s intention to become a *bona fide* resident, from surrounding circumstances, and of his availing himself of the benefits of our naturalization laws, we conceive that the former, as far as it applies to the Chinese, Pacific Islanders, and others ineligible to become citizens, does not exist in fact, and from the admissions of our opponents it fails in intention, and no reasonable man can doubt the impossibility that exists for their making the naturalization laws the medium by which such intention might become recorded ; and this we believe to be the mode contemplated by the framers of our Constitution.

In our opinion the enactment of a law granting privileges to foreigners to work in our mines, is only intended as a police regulation for the maintenance of good order in our community, and as past experience has shown us that in many portions of the State it has failed in its object, we, therefore, contend that the law should be so remodelled as to produce its intended effects, and conceive that such object can be best obtained by placing a supervising power in the hands of the people.

Many of our best citizens in conventions assembled, goaded by the necessities of the case, and feeling deeply the injuries that were inflicted on them, have declared their unmitigated hostility to any measure that seeks to cripple their honest industry.

It is a potential voice that of an outraged people, and when American citizens, in whom there is an innate feeling of respect for law, assume the position of rebels, it can only spring from conscious rectitude contending against evils too grievous to be borne, it is but a struggle for their natural rights that they had temporarily resigned to their rulers.

All agree that the evils exist, but that legislation can offer no remedy ; it is so cramped and restricted by hackneyed customs and fancied policies, it can offer no relief ; if so, let the whole fabric of government crumble, and not mock its supporters with the resemblance of protection.

As the question of the propriety of encouraging the Chinese immigration to this State has been more generally discussed in connection with this subject than any other, we deem it proper to express our views upon the same. We must ever regard such immigration with fear, not of the subversion of our Government, or the absorption of our nationality, or any such cowardly apprehension, but we do dread the effects that their introduction will have upon the free white labor of our State.

Our proximity to the Chinese Empire, its overflowing population, its leperous labor, that can scarcely command for its exertions the necessities of life to sustain it—all, *all* offer too strong inducements for capital to introduce that labor here where it meets with such generous rewards.

Those engaged in the traffic are benefitted ; but are the best interests of

our masses to be immolated on this altar of money, *we* suffer degradation from the contact, for we cannot raise these hirelings to our equality, but we must sink to their level: the dignity of honest toil has gone, the bold open front of the hardy laborer relying upon a sinewy arm and a courageous heart, necessity has changed to the cowering bondsman, his faculties deadened for want of mental culture, having no aspirations, no hopes for the future to elevate him from a consideration of his mere animal wants, he becomes more of the brute than an intelligent rational being. Oh! ye sapient pioneers of progress, that here, on the Pacific slope, in the only asylum that labor had from the blood-hound of capital baying on its track, would ye extend enlightenment and freedom, or would ye build up a model Republic for the Western World, by first degrading *that*—upon which the prosperity of every community depends—its Labor? We, too, have as much sympathy for struggling mankind as any, but we would be just to ourselves before we are generous to others.

Again, look at the outrages that are daily recorded as attending the shipment of these people to this and other countries; does it need a prophet to reveal the cause?

English Capital, backed by English bayonets, is dragging these poor minions from their friends and homes, first trapping by duplicity, and then retaining them by power, the characteristic horrors of the Slave Trade are re-enacted here.

Humanity then should dictate our course.

They are a class that ever must exist among us as inferior, both in a political and social point of view, and there is no evil that demands more serious consideration from government, than this inequality in our social organization; for the lowest class always form a hot-bed for the fostering of misery and crime.

Look to the *Negro race* in some of our Northern Atlantic States and you will find a parallel, let us not then place such an incubus upon our community, such a canker spot in a society that has all the elements of purity and health; we should not have adverted to this subject, did we not believe that a constituency of laborers demanded it at our hands.

We wish to see independent labor in this, its last refuge, free from the contaminations that have dragged it down from being the first and noblest occupation of man, to making it the servitor to the cupidity of men.

We wish to see in this community no class that must bend as inferiors; we also wish to see the principles of our institutions, like the sun's rays, radiate from this State, over the Pacific World, but we cannot forget that a Democratic Government, or the principles it promulgates, must necessarily partake of the intelligence and purity of the community they govern.

There is an over-weening anxiety upon the part of some *would be Statesmen* as to the effect of the adoption of *our* policy upon the trade of our country with China, it is an unfounded fear, and one derogatory to our national spirit. No! the indomitable enterprise of our citizens, our natural facilities, and the superiority of our mercantile marine will always give us the supremacy in our commercial intercourse with the world.

JOHN J. HOFF,
B. F. MYRES.

The first part of the paper discusses the importance of the study of the history of the United States. It is pointed out that the study of history is not only a means of understanding the past, but also a means of understanding the present and the future. The author argues that the study of history is essential for the development of a nation and for the well-being of its people.

The second part of the paper discusses the role of the government in the development of the United States. It is pointed out that the government has played a major role in the development of the country, and that its actions have shaped the course of history. The author argues that the government should continue to play a role in the development of the country, and that its actions should be guided by the principles of justice and fairness.

The third part of the paper discusses the role of the individual in the development of the United States. It is pointed out that the actions of individuals have shaped the course of history, and that the individual has a responsibility to contribute to the development of the country. The author argues that the individual should strive to be a good citizen, and that he or she should work to improve the lives of others.

The fourth part of the paper discusses the role of the future in the development of the United States. It is pointed out that the future is uncertain, and that the actions of the present will shape the future. The author argues that the future should be planned, and that the actions of the present should be guided by the principles of justice and fairness.

MINORITY REPORT

OF THE

COMMITTEE ON MINES AND MINING INTERESTS.

MR. SPEAKER :

It being impossible for all of the Committee on "Mines and Mining Interests" to agree upon any line of policy to be pursued towards Asiatics and other people, who cannot, as it is maintained, become citizens of the United States, the undersigned had felt that the importance of the subject demands a free and candid expression of opinion on the part of those who have had the question under consideration.

It is to be regretted that many Americans of this State, in their anxiety to protect the rights of their countrymen from what they consider the incursions and robbery of barbarians, do not *look beyond the present time*, and lose sight of much of the past, that should instruct them and be a guide for their *present* action.

It is also known, that in their zeal to afford protection to the citizens of *California*, they leave out of consideration the interests of the United States altogether, which at least have a right to representation in matters wherein the public domain is concerned. For example : they are in favor of expelling all Asiatics and descendants of Asiatics from the mines of *California*. They also recommend, that if a Chinaman shall have in his possession a mining claim, and an American citizen should wish to take into his possession the said claim, the American shall order the Chinaman off; and by paying the cost of any *improvements* that may have been put upon such claim, he (the American) shall take possession of the said mining claim. Those who would recommend this course, forget that the Chinaman may

have paid to an American citizen, a few days before this time, the sum of one thousand dollars for said claim; and that if his claim should be taken, he would be robbed of the sum of one thousand dollars.

They even go so far as to recommend that *Chilenos* should be excluded the mines of California, and that they shall be liable to the same penalties as the Chinamen are subject to.

They seem to forget that Chile is a Republic; and that her form of government assimilates more nearly to our own than that of any other country: and the stability of which, when compared to the governments of other States of South America, excites within our minds a feeling of wonder, that a State, composed of the same material, settled by the same people who first planted colonies in Mexico on the north, and Peru, Bolivia and the Argentine Republic on the south, should so far excel her sisters, that of all of those just mentioned, *her* soil is the only one that is not drinking continually the blood of citizens slaughtered by fellow-citizens amid the rage of civil war.

The only reason that this *Republic*, whose citizens are to be treated by those of the "Model Republic" as the Jews have been and are now treated by some of the despots of Europe, is, that because, in a commercial point of view, she has eclipsed the rest: and that because of her position, the people of other countries have been induced to visit her ports for the purpose of trading. And they have taken with them, and left there to germinate, the liberal views of political economy, that all nations must have if they occupy a prominent position in the commercial history of the world. Chile has profited by the examples of England and the United States; and she bids fair to be in South America what our own glorious country is in the north—the bulwark of republicanism.

The absurdity of a recommendation in a bill that was presented to this House, wherein it was declared that Chileans should not work in the mines of California, is so palpable, that it is unnecessary to attempt a refutation of any of the arguments that might be advanced to prove the *justice* or the necessity of such a law.

After the declaration that "no Chilean should be allowed to work the mines of this country," the great matter of surprise to the undersigned is, that the Chilean be excluded from enjoying privileges which the author of the bill would allow to the people of other States of South America, namely: Peruvians, Bolivians and Brazilians. Surely, the author of this "exclusive bill" must have known that each of the countries named above are independent of each other; and that this "bill" would affect none of the last named. The undersigned cannot believe that the author of this "bill" desired its passage, but would rather believe that he was induced to embody the wishes of a portion of his constituents, than to put upon the statute books a line of policy that would be at once partial and unjust, and in direct opposition to the well known and fixed policy of the United States Government. For especially is the interest of the United States, in view of the mission which we have of spreading abroad the institutions under which we flourish, and the exposed condition of our whaling and commercial marine on this side of the continent, to cultivate as much as possible the respect and friendship of all the people who inhabit the Pacific coast.

The undersigned are aware that of all the foreigners who have visited

our shores for the purpose of digging gold from the placers, the Chinese are the most objectionable in the opinion of all Americans who are engaged in gold mining. And that against the Chinese there is more prejudice than any other people who have left their hitherto secluded homes in the East to try their fortunes among us. This prejudice arises from the fact of their differing so entirely from us in every attribute that a nation can have ; and from the fact that the Emperor of China can send to our country, from her almost adjoining shores, a sufficient number of her population to entirely monopolize our mineral lands. Of this fear, the undersigned does not partake.

The question of whether the Chinese shall be allowed to work in the mines of this State, is one of serious importance, and demands of us a consideration second to none other.

In discussing this question we should look to the future interests of California as well as to the present. And though "posterity has done nothing for us," we should do something for "posterity."

It is well known that during the continuance of the war with Mexico the United States had in contemplation the acquisition of the then Territory of California ; and that to that end a large force of vessels of war were sent to the Pacific coast ; and that upon their arrival here they took formal possession of all the ports of importance that California had. It is also known that a regiment of soldiers were sent here shortly after ; and that upon the arrival of the same, the authority of the United States was firmly established.

It is also known that upon the settlement of the difficulties between the Mexican Republic and our own Government, that the sum of fifteen millions of dollars were paid to Mexico for this country.

Now it is proper that we should inquire why the Government of the United States should be so anxious to get the Territory of California ? And to this end we will search a little the records of history for the answer.

For three hundred years past, the several maritime nations of Europe have each endeavored to procure for themselves the monopoly of the East India trade. The first who procured this were the Portuguese. At that time Portugal was the first commercial power in Europe ; and her navigators, many of whom were cradled and nursed, as it were, on board of the ships of the East India merchant, gave to the geographer more new lands than any other people. As long as the Portuguese held this trade in their own hands, they kept the ascendancy among commercial nations ; but fortune, who ever smiles in the end on those who persevere and labor, took this jewel from the first holder and gave it to the Dutch. And from that time, Portugal began to decline in the scale of nations ; and at this time she is not able to defend her ports from a line-of-battle-ship or frigate.

Holland advanced as Portugal retrograded, and in a few years she became mistress of the seas. But having engaged in war with England, and having met with the loss of her fleet, the sovereignty of the ocean was transferred to the victor ; and from that day to this, the "cross of St. George" has been over every sea known to navigators. With the transfer of naval superiority to England, came the commercial dominion of the East ; and at this time the commerce with India is among the most important that England has.

The possession and loss, then, of the Eastern trade to Portugal and Hol-

land has been the principal cause of their rise and fall ; and to-day the monopoly of it is the main stay of England's greatness.

Then to the question, Why our Government should desire so much the possession of this country ?

It was because California is the stepping-stone from Asia to the United States ; and because the magnificent bays and harbors on this coast afford safe and good resting places to the splendid clippers that now plough the waters of every sea, and bear to foreign climes the evidences of the genius and skill of Americans, during the time their rich cargoes are being removed, to be borne on the railway which will ere long unite the Pacific and Atlantic oceans to the great cities of the Atlantic coast.

This was the principal reason why our Government purchased California ; and will any man say that our position does not promise to us the golden prize for which nations have so long contended. We believe that no man will say nay.

Then if the people of California are to aid our Government in the carrying out of that policy which we know she has pursued, and by which the United States can obtain the monopoly of the East India trade, and by that become the *first* commercial nation in the world, what course of policy must we pursue towards those people by whose industry and skill have been manufactured those commodities for which we are to exchange our fabrics, and perhaps, in course of time, the fruit of our soil ? Are we to drive by force and tyranny from this State all of those who have, on the faith of our actions in making them believe that they were welcome, and the declaration that our land was open for the oppressed of all nations, to come among us ?

Would it not comport more with the policy of our Government, and be more consistent with the dictates of *humanity* to allow them to *remain* among us, those who are here *now*, than to entail on them the sufferings that would follow their expulsion ;—sufferings that would make us shudder to behold ? Would it not be better to allow them to remain and acquire for our Government and institutions that respect and veneration they *must* imbibe, that when they return voluntarily to their homes they may dwell with delight on the liberty, religion, and greatness of our people ? Nothing wins the hearts of mankind like kindness ; and nothing gains the respect of others so soon as the practice of justice.

Apart from the considerations above expressed, would the Congress of the United States, composed as it is of the representatives of the great commercial States bordering on the Atlantic, tolerate our course, if we were to expel the Chinese from our territory, and thus destroy what we conceive to be the principal means of establishing a friendly intercourse with the people of Asia, and of course the numerous islands in the Indian ocean ? Suppose a thousand or more Japanese should ask of us permission to visit our State and to work among us :—would it not be bad policy to refuse them ? Certainly it would. We believe that if we persist in following the course recommended by some, that the mineral lands of California would be disposed of by Congress, and the declaration that “the mines shall remain as free as air,” would have been wasted with the breath of those who made it.

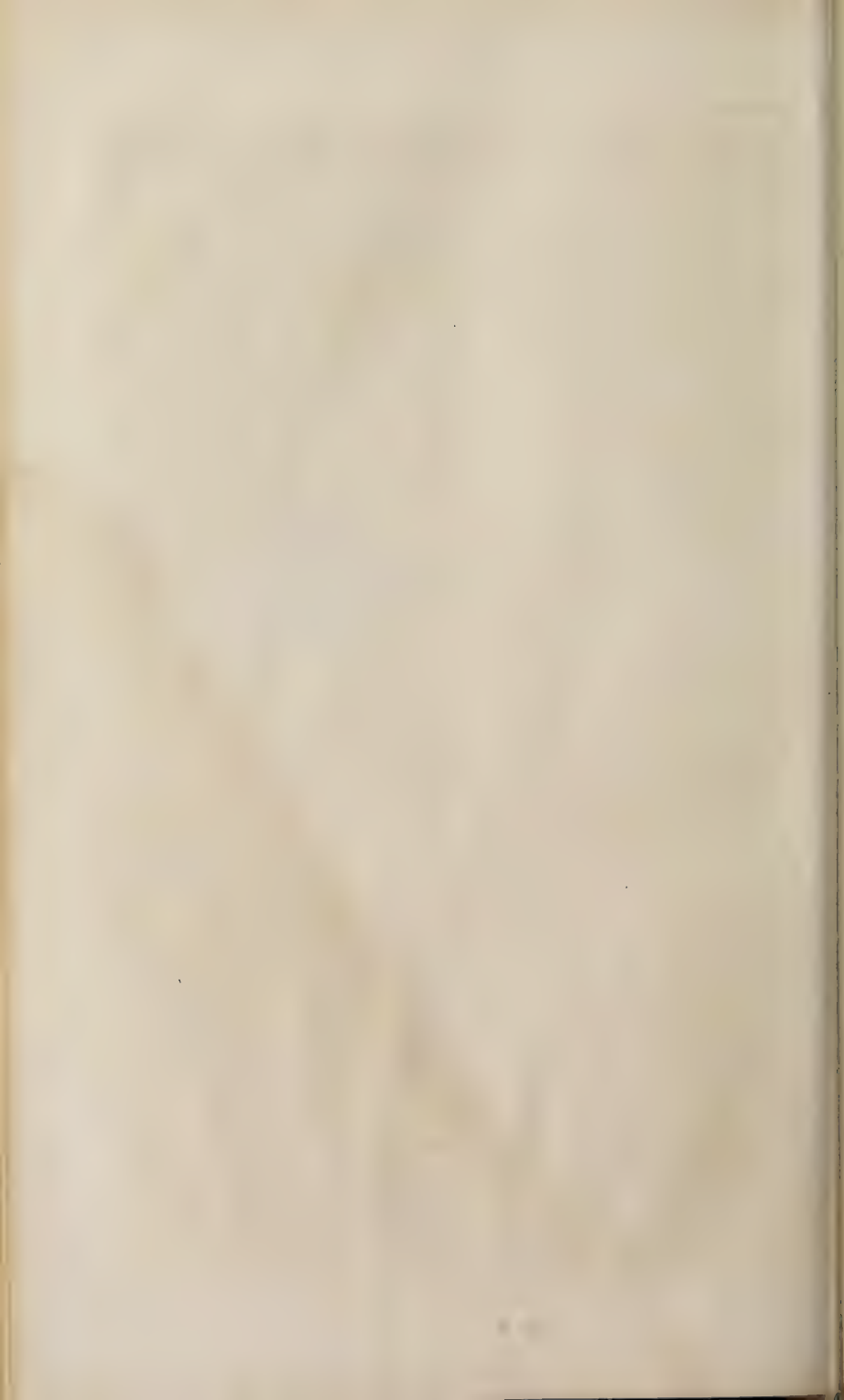
Again : If we exclude Chinamen and other foreigners from the mines of

California, we lose an important part of the source from whence we *might* derive our revenue. And the causes of complaint which are continually made by the agricultural and commercial counties against the present State Government and the mining counties, would be much increased and eventually lead into open rebellion against the State authorities. The undersigned have herein expressed those views which seem to them of most importance; and they do hope that all will consider the subject before them without prejudice, and have in view not only the present but the future good and glory of California, whom destiny points to as the medium through which *Christianity and Republicanism* will enter the Celestial Empire.

All of which is respectfully submitted.

T. T. CABANISS.

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[Document No. 29.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MAJORITY REPORT

OF THE

COMMITTEE ON ELECTIONS

IN THE CONTESTED ELECTION CASE BETWEEN CLARK AND CAR-
PENTIER.

[GEORGE KERR, STATE PRINTER.

THE

OFFICE OF THE

COMMISSIONER OF REVENUE

MAJORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

MR. SPEAKER :

The Committee on Elections, to whom was referred the case of Samuel J. Clark, contesting the seat of H. W. Carpentier, member of Assembly from Contra Costa County,

REPORT,

That they have investigated the case with great care, and have taken a large amount of testimony. As the result of their investigation, they submit the following as the conclusions of fact which they have gathered from the residence.

That Mr. Carpentier received in the county of Contra Costa for Assembly 519 votes.

That Mr. Farrelly received 254 votes, and Mr. Halliday 192 votes, giving Mr. Carpentier a plurality of 265 votes, or more than two to one over Mr. Farrelly the highest opposing candidate, and a clear majority of 73 over both Farrelly and Holliday.

The most important charges on which evidence has been taken, are that the vote at the Oakland precinct was increased by fraud, and that Mr. Carpentier was a resident of San Francisco at the time of the election.

In support of the first charge, testimony has been given tending to prove, that in August last, three months before the election, there were but five hundred and twenty votes in San Antonio Township, including Oakland ; it

appears that 374 votes were given in Oakland, and 212 in the precincts of of San Antonio Township, being five hundred and eighty six in all, and making an excess of only 66 over the number of voters found to reside there in August, previous, which excess we may reasonably suppose to be more than made up, by additions to the population, especially in Oakland, a young and thriving town.

And when we add to this natural increase of population, the fact that a large number of persons, said to be from 300 to 400, are at work in the neighboring Red woods, not included in the above calculation, and that a great number, if not a majority of them, voted at Oakland, whilst some from the Encinal and other San Antonio precincts also voted at Oakland, there remains no reason for doubting that the votes in Oakland precinct were honestly cast by qualified Electors.

In support of this charge, the contestant also introduced testimony to show, that one John McConky voted near the close of the polls, and that about 100 votes appear to have been received according to the poll list after he had voted: to rebut this. Mr. McConky himself swears, that he voted about 2 o'clock, and before going to San Francisco on that day.

Other testimony was given, to establish that the inspectors fraudulently deposited a ballot for Mr. H. A. Brown against his will.

To rebut this allegation, Mr. Brown himself appeared before the Committee and satisfactorily explained the circumstance, fully exonerating the inspectors from all blame or intention to control his vote.

Without the testimony of Mr. McConky, as to the time of his voting, and even if it were established that all the votes on the poll list, after his name were fraudulent, still Mr. Carpentier would have 150 majority of legal votes, and his election would not be affected by the fraud, if committed, which under the testimony of Mr. McConky the committee cannot believe to have been.

As to the residence of Mr. Carpentier, we have no evidence of his residing elsewhere than in Contra Costa County, except the expression of a belief on the part of one witness, whilst on the other hand, the County Clerk of Contra Costa County, testifies that Mr. Carpentier has been an acting Notary Public, and generally considered to be a resident of Contra Costa County for one or two years past, and the official certificate of the Sheriff, of the service of the notice of this contest, states Oakland to be Mr. Carpentier's usual place of residence.

Another point was raised during the investigation before the committee, on which they received evidence in regard to an irregularity occurring at La Ruse precincts in San Antonio Township.

The irregularity consisted in returning the name of Mr. Carpentier as receiving ten votes without stating that they were for the office of member of Assembly. But the committee considers that the evidence clearly shows that the board of county canvassers, properly canvassed those votes for the Assembly, and even if those votes had been rejected, the result would not have been varied or affected, as Mr. Carpentier would still have had over two hundred and fifty majority.

The other causes of complaint which relates to irregularities occurring at the Oakland polls, we do not find, from the verdict, to have been occasioned by design or fraud, but merely by accident.

Many of the allegations in the testimony produced by the contestant have been fully explained by the witnesses for Mr. Carpentier, while other charges seem to have been made upon vague opinions, in support of which no substantial facts were shown by the contestant; considering the large majority which Mr. Carpentier received, being more than two to one over his highest adversary, we conceive that it would be unjust to him and his constituents to refuse him a seat in this House.

The committee therefore recommend the passage of the following resolution :

Resolved, 'That Horace W. Carpentier, member of Assembly from Contra Costa county, is entitled to retain his seat in the Assembly.

JESSE BRUSH,
PATRICK CANNEY,
CHAS. FAIRFAX,
GEO. H. BLAKE.

[Document No. 30.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS

IN CASE OF

CLARKE vs. CARPENTIER.

[GEORGE KERR, STATE PRINTER.

THE

GEORGE WASHINGTON

COMMITTEE OF CONFERENCE

WASHINGTON, D. C.

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

The undersigned, of the Committee on Elections, to whom was referred the matter of T. J. Clarke, a qualified elector, and attorney for R. T. Farrelly, contesting the seat of H. W. Carpentier, as a representative from Contra Costa county, beg leave to report as follows:

They find the following grounds of contest set forth by the contestants: That there was mal-conduct on the part of the Board of Judges, and Inspectors and Clerks, at the precincts and polls held in the township of Contra Costa, (or Oakland,) in this—that after the closing of the polls and before the counting of the votes, the ballot-box was removed from the house in which the election was held, by the said Judges, Inspectors and Clerks, and was detained from said house for more than one hour; that the said officers did not count the ballots in a public manner, but in a manner to preclude those who were present from seeing the ballots counted; that there are fictitious names on the poll list returned to the County Clerk's office; and that there were not the number of votes polled at said election as purports to have been and were returned on said list and counted.

Your committee find the following facts established by the witnesses called on behalf of the contestants; that the ballot box was carried off by one of the officers of election, at dinner time, and detained in their possession for over an hour, and that the same occurrence took place after the closing of the polls at sundown; and also that the manner of counting the ballots was such as to preclude all others than the officers of election from seeing and examining as to its correctness; other irregularities are so testified to by the witnesses.

As to the charge that a greater than the legal number of votes were returned from the Oakland precinct, it is testified by the census agent of the county, who took the census of that township about two months and

a half preceding the election, that there were about one hundred and thirty legal voters residing within its limits. A number of other witnesses estimate the legal vote of that township at about one hundred and fifty. The number of votes returned from Oakland or Contra Costa township is 377. It was testified by three of the witnesses that one of their number, L. J. Hardy, voted at about 3 o'clock P. M., and his name appears on the poll list as number ninety-four. It is hardly probable, if possible, that two hundred and eighty votes were polled between that hour and sundown, in a precinct so sparsely settled. Some witnesses swear that one McConkey and two others voted at sundown, and were the last who did vote. McConkey's name appears on the poll list as number two hundred and sixty-one. The poll list was brought before the committee by the County Clerk, upon examination of which your committee find that the one hundred and thirteen names which follow McConkey's, are written on a separate sheet, in a different manner than the others, in a different handwriting, and from its defaced and blotted condition, the inference seems a just one, that these names were hastily written and the sheet folded or rolled up before the writing of the greater part of the names was dry—a circumstance that could not possibly occur with the usual and necessary delay in recording the names of the voters.

It is also testified by two witnesses, that the officers of election declared at the closing of the polls, in reply to a question from a by-stander, that the whole number of votes polled was two hundred and sixty-eight. It is also testified by three of our witnesses, that two of the three men who voted 1st, voted white (Farrelly) tickets; and it is further testified that upon the opening of the ballot box no white tickets were visible, but that there was on top a compact layer of yellow (Carpentier) tickets, the counting of which lasted about ten minutes before a white ticket was reached.

The defendant introduced numerous witnesses, whose testimony went partly to the merits of the controversy, partly to the points which your committee do not consider involved in or material to the case, and partly to the credibility of some of the contestant's witnesses. Among them was Mr. McConkey, who testified that he voted at 2 o'clock on that day. The contestant replied with rebutting evidence.

This testimony is altogether too voluminous for a review here, and your committee feel themselves restricted to the simple statement that, in their conviction, the weight of the evidence is in favor of the contestant, and that the grounds of contest above set forth are fully sustained.

Your committee believe that for the above reasons, the whole vote of Oakland or Contra Costa township should be thrown out and not considered in the returns. This being done would leave a majority in favor of Robert S. Farrelly of forty seven votes over the incumbent, H. W. Carpentier, as a representative from Contra Costa County. But in order that the citizens of the county may have another opportunity to express their choice for representative, your committee respectfully recommend the adoption of the following resolution:

Resolved, That the seat now held by H. W. Carpentier, as a Member of the Assembly from Contra Costa county, be and the same is hereby declared vacant.

SAM'L FLOWER,
THOS. R. WALKER.

[Document No. 31.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON INDIAN AFFAIRS.

[GEORGE KERR, STATE PRINTER.



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REPORT

OF THE

COMMITTEE ON INDIAN AFFAIRS.

MR. SPEAKER :

Your committee, to whom was referred the claim of the petitioner, O. S. Wetherby, have had the same under consideration, and beg leave to report as follows :

1st. The claim consists of a note given by Gen. Moarhead,—in his official capacity, while in command of the Gila Expedition,—to Heath and Warner, for the sum of \$304 00, for provisions furnished his command : said note is assigned to the petitioner ; the signature of Gen. Moarhead is proven to be genuine ; and the statement is made by the petitioner, that, in conversations had with Moarhead, and with Heath and Warner, he was informed that the said supplies were furnished.

2d. A certificate of discharge given by General Moarhead to Henry Wright, a soldier in his command. The deposition of Wright establishes the fact that he was a soldier in Gen. Moarhead's command in the Gila Expedition, and that this certificate was given to him for his services as such, and that he assigned said certificate to H. Heath, and your committee believes that the petitioner is the owner of said certificate ; the certificate bears the assignment of Wright to Heath, and of Heath to O. S. Wetherby ; other testimony goes to show Wright to have been a soldier in Moarhead's command, and establishes his character as good.

3d. A certificate for services rendered Gen. Moarhead's command by the Calhoun Ferry Company on the Colorado River ; said certificate is drawn in favor of the Treasurer of the Company, and by him assigned to A. B. Moses, by him to Heath, and by Heath to petitioner. The dep-

osition of Russell Sacket establishes the fact, that the State of California became indebted to the said Ferry Company for supplies furnished and services rendered Gen. Moarhead in the Gila Expedition ; that said Moses was a member of the Company, and that the draft is a just and valid claim against the State : witnesses have also testified to the good character of all the parties : the signature of Gen. Moarhead to all the papers is shown to be genuine ; said claim cannot be audited by the War Board, because they do not appear on the muster roll of Gen. Moarhead on file in the Treasurer's office, but the statement of the Board is given as to their validity, and we recommend the payment of the same.

P. CANNEY, Chairman.

[Document No. 32.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT OF A PORTION

OF THE

SELECT COMMITTEE

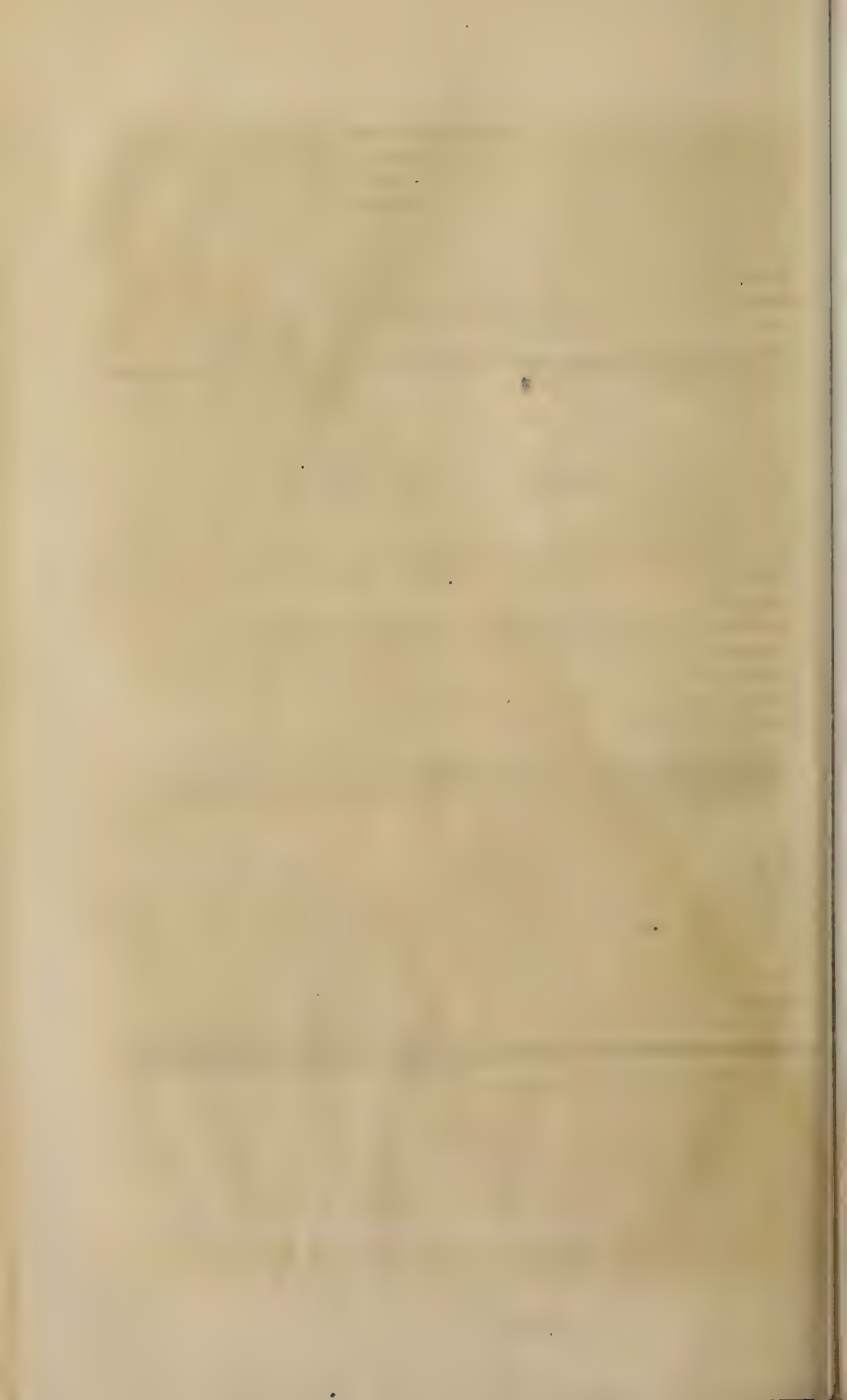
UPON THE

EXTENSION OF THE WATER FRONT

OF THE

CITY OF SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.



REPORT.

MR. SPEAKER:—

The committee, to whom was referred that portion of the Governor's Message relating to *The Beach and Water Lot Property of San Francisco*, beg leave respectfully to report—

That they have had the subject under consideration several weeks;—during which time they, in pursuance of their investigation, visited the city of San Francisco, and while there, sat for three days in joint session with a committee of the Senate, for the purpose of hearing whatever testimony might be offered in the premises.

Many persons voluntarily pressed forward to give evidence; and the views of the greater number who offered themselves, were averse to any action by the Legislature. This aversion developed itself in the assertions,

1st. That the harbor of San Francisco would be ruined if it were extended six hundred feet further into the bay, the shipping thrust into the winds, and the anchorage rendered insecure: and

2d. That to drain the proposed extension, it would be requisite to raise the grade of the city several feet, to the great detriment of property and at an immense cost to its citizens. In addition to this, it has been objected—

3d. That the State has no right to extend the city any further into the bay than East street; that by the Act of March 26th, 1851, it declared that a line—of which East street was the eastern extreme—“*should be and remain a permanent water front of said city;*” and that this Act conferred upon the property in the vicinity of this line rights and conditions, of which said property could not be divested by any alteration of the boundary, without impairing the obligation of contracts and a consequent infraction of the Constitution.

Your committee have carefully examined all these propositions; but before proceeding to their discussion, they do not find that the objectors, if they fail to establish them, are justified in expecting the Legislature to refrain from action in the premises to the sacrifice of the interest of all the counties of the State.

The area in question is of immense value; it has been refused by the

city of San Francisco, and now that the State finds herself overwhelmed with debt, it seems due to the remaining counties, which share the load, that she resume her jurisdiction over the said area, and institute some measure which may make it conduce to the liquidation or reduction of the common burden.

This latter desideratum should only be controlled by the consideration, whether the proposed extension of the water front of San Francisco will injuriously affect the general interests of the city and State. And your committee will take this opportunity to say, they do not include in this consideration the complaint which they have heard of, that the large creation of new lots by the proposed extension will reduce the price of city property. We respectfully submit, that it is not the policy of a State which desires population, to limit or lessen the quantity of property within its borders, in order to enhance the prices of land beyond general acquisition. High prices are not comprised in the obligation of contracts, nor included among the guarantees of the Constitution. The public interest is the other way; and in this respect the city may benefit more largely even than the State by the proposed extension; for, in addition to the settlement it would invite within its borders, the amount of its saleable property would be so greatly increased that every tax payer, large and small, would experience an immediate relief.

This is in itself a sufficient motive to induce every citizen, not selfishly interested to the contrary, to desire the accomplishment of the "Extension."

THE HARBOR.

The question of the effect which the proposed extension would have upon the harbor, is, in the opinion of your committee, of a purely practical nature, and directly amenable to the judgment of every intelligent man in the community.

In this respect your committee do not propose to relinquish their opinions to those of any professional class whatever. They see for themselves, that the entire of the Bay of San Francisco is a harbor; and it is within their own observation that, at all seasons of the year, vessels of the first class, containing valuable cargoes, prefer to anchor at distances varying from three hundred feet to a mile from the shore. While conflicting with the adverse mass of professional objections, we have the testimony (as recently taken before a committee of the Senate) of one of the oldest harbor-masters of San Francisco, and of the Surveyor-General, (the highest authority of the State on this branch of the inquiry,) that the "Extension" can be made without impairing the anchorage and without injury to the harbor. Common sense, experience and daily demonstration go hand in hand with this; while with the opposition, is associated the exploded forebodings which once threatened destruction to the harbor should the water limit be extended beyond Front street, and which has persistently predicted the same ruin (and with an equal parade of science) at every new step of its outward progress.

From the best evidence on the subject, therefore, as well as upon their own observations and experience, your committee are of the opinion that

the water front of the city of San Francisco may be indefinitely extended without injury to the harbor ; and that an extension of six or eight hundred feet, on a proper plan, will be a great improvement to the harbor, and can be made highly beneficial to the commerce of said city and State.

They are the more convinced of this from the irregular and predatory manner in which said front is now being extended by capricious and desultory enterprise. Already private parties have, without warrant, extended wharves several hundred feet into the area of the proposed extension ; and unless some plan be speedily adopted by the State to give and secure a consistent and systematic front to San Francisco, the harbor will be really impaired and the dockage utterly ruined.

THE GRADE.

The second objection put forward to the proposed extension, is on the subject of the alteration which it will require of the grade of the city of San Francisco ; but your committee do not regard the assertions and testimony on this subject as ingenuous or correct.

According to the testimony of the Surveyor General, the old grade at Battery street has always been five feet too low ; it was established so low because of the high price of lumber in 1849, when the grade was made ; and he further says, that the proposed extension will not add a single necessity for a new grade.

On this point, your committee respectfully report, that some of the testimony heard by them in San Francisco was preposterous in the extreme. A flat of six hundred feet will certainly not back up any of the water of the bay into the city. The only part affected in the way of grade will be the extension itself ; and according to established rules of science, a special grade can be made for that, if desirable, at the rate of ten inches to the hundred yards ; making a gradual elevation of fifteen inches to the centre, with an inner sewer for the draining of the first plane, and the bay for the draining of the second. Thus is disposed of the bugbear of the grade ; and the headlong testimony that an extension of the city front six hundred feet would require Montgomery street to be raised to the level of the roof of Davidson's Bank, ranks with the assertion, that the advance of that front six hundred feet nearer to the east, would thrust the shipping of the harbor into the terrible region of the southeast winds.

Your committee are therefore content to leave this branch of the subject with the remark, that while an extension would not of itself make any alteration of the grade of San Francisco necessary, it ought to be welcome to the city, if it were the cause of enforcing an alteration that has been a necessity ever since the present grade was established.

DOMAIN OF THE STATE.

The objection, that by the Act of March 26, 1851, the State concluded itself from any further alteration of the water boundary of San Francisco, and, *by inference*, conferred certain positive rights upon property adjacent

to that line, is, as your committee finds, the main argument relied upon by the objectors in the premises, against the re-exercise of any jurisdiction over the area of the proposed extension by the State. This, however, your committee regard as the least tenable, and most easily refuted point of all. No principle is better settled, or more familiar to all men of public information, than, that the right of eminent domain over all land under navigable water belongs to the State in which it lies. The shores of such water and the lands under them, were expressly reserved to themselves by the States, at the time of their forming the Constitution of the United States: and in recognition of this doctrine, the Supreme Court of the United States (in the case of Pollard vs. Hagan et al., in 3d Howard's Reports,) have used the following language: "The right of eminent domain over the shores and soils under the navigable waters, for all *municipal* purposes, belongs exclusively to the States within their respective territorial jurisdictions; and they only have the constitutional power to exercise it."

Under this right of eminent domain, the State of California, at the intercession of the citizens of San Francisco, extended, by an Act of March 26, 1851, the water front of said city from Front to East Street: making conditions, that said city in consideration thereof, should keep the space in front of said line, clear and free from all obstructions to the distance of five hundred feet, and concluding with the especial reservation "*that nothing in that act should be construed as a surrender by the State of its rights to regulate the construction of wharves, OR OTHER IMPROVEMENTS, so that they shall not interfere with the shipping and commercial interests of the Bay and Harbor of San Francisco.*" This Act plainly did not limit and involve the rights of the State beyond East Street, but only restricted and bound the city, in evidence of which we find that the State on the first of the following month of May, by what is known as the Second Water Lot Act, exercises the powers thus reserved, by granting to the City of San Francisco the franchise to construct wharves to the distance of six hundred feet beyond the limits prescribed to her on the 26th March.

The character of the Act of March 26th, therefore, is not to be misunderstood. At the time it was made, the City was *begging*, and the State *granting*. The State therefore was not limiting itself *but binding the city*. The words "shall be and remain a permanent water front" are consequently words of *limitation and restriction* against the city. It is merely a *political* boundary or demarcation, as between City and State, declaring strictly that the city may go so far and no farther. For the correctness of this construction no references are needed. On the subject of Legislative grants it has been decided again and again by the Supreme Court of the United States, "that in such grants nothing shall be taken by *implication* as against the State; and no right or power is given or surrendered by the State except such as is expressly designated." Least of all then can it be assumed that the State, in addition to relinquishing all jurisdiction over her domain beyond the line of East Street, by the Act of 26th March, 1851, invested by that Act, property in the vicinity of that line with certain positive rights of which it cannot be divested.

Such a proposition is absurd. When a man buys property, he buys it subject to all proper public improvements on the part of State or City. His vested and positive rights lie within the boundaries of his lot. Streets may

be cut through it, sewers constructed near it, slips opened or closed in front of it, or buildings put up alongside. The revised laws of the State of New York, in vol. 2, p. 145, give the general doctrine on that subject.

The State, the admitted and undisputed controller of tide waters, by an Act of 1813, confers upon the City of New York the right to fill all lots upon its front as it shall deem expedient, and to compel the proprietors of such lots to make suitable bulkheads adjoining or opposite such lots." It further empowers said city "to fill up, alter and amend all public slips in said city, at such times and in such manner as they may deem proper."

Here is no provision for the consent of owners of the adjacent property ; indeed, the only notice that is taken of them at all by the State which confers the power, is to oblige them to contribute to the expense of the redemption of the land, and improvements of the front in their vicinity. Under this established rule, the entire front of the City of New York has been frequently extended. Within the last few years, James Slip, Peck Slip, Burling Slip, Old Slip, Coffee House Slip, and other Slips on the East River side, have been filled in, and the front of the city extended in that direction several hundred feet.

On the North river side similar alterations have frequently been made, and during the last two years, that large portion of its western front lying between the Battery and Cedar street, has been extended several hundred feet into the river, thus constructing a new street beyond Washington street, and transferring the water front from Washington to the new street. And very recently we have received the news that an enlargement of the Battery itself, the very bulkhead and water bastion of the harbor, had been decreed.

Nevertheless, and though commercial rights and the rights of property are tolerably well understood in New York, we have never heard of any protests against these acts (although all of them have met with strong opposition) on the score of the rights of property in a *permanent water front*. That novel doctrine is the peculiar invention of the owners of water lots in San Francisco. It was never heard of before, and the history of all the maritime cities on the face of the earth, every one of which has had frequent cause to alter and extend its water front, condemns it as a preposterous pretension, and one more befitting the mouth of an auctioneer, than of a grave objector to the paramount powers of a State.

We assume therefore:

1st. That the State of California did not, by the Act of March 26, 1851, which extended the limits of San Francisco to East street, relinquish its right to make improvements upon property beyond that line, but especially asserted and reserved that right; and

2d. That she exercised that reserved right on the 1st May following, by conferring upon the city of San Francisco the privilege of constructing wharves six hundred feet beyond the line of East street, and by investing her with the valuable franchise to *levy and collect wharfage* thereupon.

ADVERSE CLAIMANTS.

The Act of May 1st, therefore, is a specific grant governing all the proposed slips, and controlling all the space immediately beyond it in the bay ;

for it is essential to the character of a wharf that it should have harbor room, both beside and in front of it. The Act relating to this matter consists of a bill of two sections concerning the beach and water lot property, the first section of which confers upon the city of San Francisco the franchise above alluded to, by way of improving the outer boundary of said property, and the second of which was intended to settle the conflicting titles to portions of the area within it. The first section of this Act is entirely independent of the second, (though relating to the same subject,) and being accompanied, as it will be seen, by no conditions, the franchise to build said wharves, the privilege to take toll, and the right (in order that said privileges might be enjoyed) to have said slips remain open and the adjacent waters kept free from obstruction, vested at once in said city, and became a portion of its most valuable pecuniary possessions.

Your committee find, however, that soon after the city of San Francisco came into possession of said franchise to construct wharves and collect wharfage, a judgment was obtained against her by one Doctor Peter Smith, for the satisfaction of which judgment the sheriff of said city proclaimed its property for sale, and among other of its property, offered for sale at public auction said franchise to construct wharves and take wharfage. This franchise was therefore bought in a regular manner by various citizens of San Francisco, and it is the opinion of your committee, (and was likewise the admitted opinion during a recent debate in the House on the subject of the repeal of this very Act,) that said franchise passed on that occasion, by virtue of said sale, into the hands of the purchasers thereof.

Your committee, therefore, have met with two classes of objectors to any interference on the part of the State with the area beyond East street. 1st—The city of San Francisco objects, on the pretension that the Act of March 26th, 1851, was a relinquishment by the State of her power to alter or amend the city front beyond that line; and 2d—The purchasers at the sheriff's sale object, on the ground that the franchise which they hold and which passed from said city to them, includes the right to have the slips of the indicated area remain open, and the water space in front kept clear and free from all obstructions.

From both of these classes of objectors your committee have received remonstrances; and from the latter, proposals of arrangement by which the State may be relieved of the trammels of their franchise and allowed to resume its jurisdiction in the premises. Your committee are also informed that there are other adverse claimants who assert both legal and equitable titles to large portions of said property or rights therein, all tending to great confusion and production of almost endless litigation, retarding improvements of an essential and valuable character that would otherwise be put upon said property.

With a view, therefore, to settle finally all vexed questions connected with this property, to throw the same open to individual ownership, and thus add to the general prosperity of the city and State, your committee have thought advisable to prepare a bill, which they herewith present, providing means by which the whole subject matter may be referred to a commission and disposed of satisfactorily and beneficially forever to city and State.

Your committee do not feel called upon to enlarge on the advantages

which may be made to accrue to the State by the adoption of this, or of any other bill, which will enable it to liquidate the indebtedness which now weighs so heavily upon every county, and so depresses public credit.

Apart from its consideration as a financial measure, however, we have no hesitation in saying that we believe that an extension of the harbor of San Francisco will be a wise act of commercial policy ; that it will be a benefit to both city and State ; and that it is imperatively demanded by the prospects of a maritime greatness, which will soon comprise the supremacy of the Western Ocean.

It is idle to suppose that the harbor of a city with such a destiny before it, will remain confined within its present meagre limits ; and weak to pretend that such a span of front will be equal to the demands of future commerce. Within ten years, doubtless, San Francisco will be the depot, by railroad, of the overland commerce of half the world ; and we think we, ourselves, may see the day—perhaps not very distant—when her immense line of wharves will stretch into a front of miles ; and forests of shipping, nestling safely within their sheltered coves, proclaim the successful competitor for the commercial diadem of the world. It may then well be said with a smile of incredulity, if not of a lesser sentiment—“ There were those who ten years ago contended that the harbor of San Francisco should never stretch beyond the headlands of Clark’s and Rincon Point, nor extend its line beyond the inner curve of yonder cove ! ”

All of which is respectfully submitted.

JESSE BRUSH,
GEO. W. BLAKE.



REPORT
OF
SELECT COMMITTEE.

The Select Committee appointed to examine into the expediency of extending the Water Front of the City of San Francisco, beg leave to Report :—

That in discharge of the special duties confided to them, they have taken a body of testimony which is herewith submitted, and upon a full consideration of the facts elicited, as well as of the principles of law applicable to them, they are of opinion that the extension of the existing eastern Water Front of the City of San Francisco would be both inexpedient and illegal.

In discussing the expediency of the measure, we have necessarily been drawn into the consideration of its effect upon the general interests of the State at large, upon those of the City of San Francisco, as well as of private citizens, and upon the character of the government of the State for good faith and prudence, and integrity of legislation.

A safe and commodious harbor is one of the most inestimable jewels of a State, especially of one like ours, whose interests are inseparably connected with the prosperity of commerce and navigation. This proposition needs neither argument nor illustration. But we are convinced that the Water Front of the City is already extended to the extremest point consistent with the safety of shipping lying in the harbor, and that even now much of the shipping is deprived, in gales from the southeast and northwest, of the protection naturally afforded by the projecting headlands of Rincon and Clark's Points. It would be much easier to demonstrate that the Water Front is already extended too far into the Bay, than that it could be any farther projected, without the most disastrous consequences to the shipping interests of

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the City and State ; while it is perfectly certain that the existing slips of the city can be preserved only by an early recourse to constant dredging, and to the erection of large and expensive bulk-heads. It is, also, very doubtful whether the erections which would be necessary to insure any ordinary degree of security to shipping lying in the harbor, in case of the proposed extension, are within the compass of all the public or private capital which could be obtained for such an investment.

The injuries which would thus result to the general commercial interests of the State, would fall with a peculiar force upon the City of San Francisco, for her interests are entirely and purely commercial. If commerce stagnates, she is paralyzed ; if it is depressed, she sinks with it ; if it is destroyed, she must participate in its ruin. The City of San Francisco has no other resources than those of commerce, but her interests are not, for this reason, less identical with those of the whole State, for her commerce is that of the State. Were it possible that a desire existed in any quarter to inflict a blow upon the prosperity of our commercial metropolis, still well regulated interest would forbid its gratification, and even stimulate an enlightened legislation to foster the interests and protect from further encroachment the natural advantages of our most valuable sea port.

If the consequences of the proposed extension would be thus prejudicial to the general interests of the State and City, to private individuals they would be eminently disastrous. It is a fact sufficiently well known, independently of our statute book, that the property situate on the eastern front of the City of San Francisco has become the subject of private ownership. It is now distributed among a large number of persons, who have invested their earnings in it, many of whom have thus invested all that they possess. Much of it has been filled in with solid earth, upon which have been erected buildings of brick, stone and iron, of the most substantial, tasteful and expensive kind : and the construction of wharves, streets and sewers has proceeded with an equal pace with other improvements. But all these investments and improvements were thus made by individuals under a feeling of security engendered by their confidence in the guaranties of the State legislation. They were made upon streets laid down upon a map which had been adopted and legalized by the State. They were made in reference to the near proximity of a water front which had been accurately traced by the finger of State legislation, and which the audible voice of a sovereign State had solemnly declared should "be and remain permanent." They were made conforming to grades of streets fixed by the Common Council, under a law enacted by the assembled wisdom and integrity of the State. They were made upon the border of an accessible harbor, which the Legislature had declared should remain open and free from obstructions. The withdrawal of these guarantees and declarations, on the part of the State, by the extension of the water front, could not fail to be ruinous to the property holder. The value of most of these lots consists in their proximity to the present water front and harbor, but these will then be removed to a distance and made comparatively inaccessible. The sewers will be useless, the grades of the streets must be raised from five to twenty feet, in order to secure a drainage ; every building now erected on the most valuable commercial streets will be depressed below the new grades, and one will even be compelled to descend below the level of the street to enter the second story of

some of the most valuable buildings already erected. Millions of dollars would not defray the losses which the consequent alteration of the grades of the streets would of itself cause to private citizens; and its effect upon the city of San Francisco, in its municipal and corporate capacity, would be a complete and hopeless bankruptcy. The whole resources of city taxation for a long series of years would be entirely inadequate to defray that portion of the expense of changing the grades of the streets, which would fall upon the city as a municipal corporation.

Any one of the preceding considerations is sufficient to justify the conclusion that the proposed extension of the water front is inexpedient. It would be inexpedient if it were merely hurtful or dangerous to the commerce and navigation of the Port of San Francisco. It would be inexpedient if it were prejudicial only to the interests of the commercial metropolis of the State. It would be inexpedient for the single reason that it would be ruinous to a large class of private citizens, for the proper attributes of government are of a paternal and beneficent character, and it is always inexpedient for a Legislature to enact a cruel and oppressive wrong. But above all, it is inexpedient because it would strike a fatal blow at the credit and character of the State. Good faith and integrity are a large part of the capital of a sovereign State. These constitute her claims to respect and estimation among the community of nations, and these are even capable of appreciation as among her most available pecuniary resources; for whereas individuals pledge their property as security for the performance of their engagements, a sovereign State merely pledges its faith. But what would be the condition of a State that violated its faith plighted to its own citizens? And not to its own citizens merely, but to citizens of every civilized nation upon earth, who have come hither, bringing their treasures to add to the aggregate wealth of the State, by investing them in this property, under pledge of the integrity of legislation, and of the hitherto unsullied good faith of the sovereign State of California?

Thus far, the question has been discussed as a mere matter of expediency, and as if the Legislature had the full power to make the proposed extension. But we are of opinion that the Legislature has not this power, and that a law passed for this purpose would be illegal, unconstitutional and void. Among the restrictions imposed upon State Legislation by Art. I., Sec. 10, of the Constitution of the United States, it is provided that "no State shall pass a law impairing the obligation of contracts." The proposition that the grant of a vested right, whether made by an individual or by a State, is a contract of the most indefeasible character, needs only to be stated to be received without contradiction. Such a grant is of itself a contract that the party making it will not attempt to revoke it, and that he will not attempt to disturb his grantee in the possession of the thing granted. Over grants and contracts of this kind, the Supreme Court of the United States have always extended the ample shield of the Constitution to protect them from the attacks of State Legislation, nor have they allowed a sovereign State to divest rights once vested under a legislative grant, even under the plea that the grant was obtained by fraud.

Applying this familiar principle, which in American law has become an elementary one, to the matter under discussion, we find that on the 26th day of March, 1851, the State of California, by a legislative grant, to be

found in the Laws of that year, Chap. 41, at page 309, Sec. 2, granted and confirmed to individuals, and to the city of San Francisco, for the period of ninety-nine years, the use and occupation of certain lands therein described, as the same were laid down upon a map adopted and legalized by the first section of that Act. These lands were situated between high-water mark and the line known as the present water-front, and in that Act are designated as Beach and Water Lots. A reference to the map thus legalized and made official, will show that the lands thus granted were bounded on the east by the harbor of San Francisco, and thus, by a familiar principle of law, the State forever bound itself to its grantees to keep that harbor as such. But this important matter was not left subject to mere implied covenants, for the State, in the fourth section of the same Act, expressly covenanted and declared, "that the boundary line described in section first of this Act, shall be and remain a *permanent water front* of said city," merely reserving to the State, in the sixth section, "the right to *regulate* the construction of wharves and other improvements, so that they shall not interfere with the commercial interests of the Bay and Harbor of San Francisco." But, on the first day of May, then next succeeding, as will be seen by reference to the laws of 1851, page 311, chapter 44, section 1, the State, by another absolute legislative grant, relinquished its reserved right of regulating the construction of wharves and other improvements outside of the permanent water front, and granted to the city the right of constructing such wharves, extending two hundred yards beyond that water front, at the foot of all streets connecting with the bay; and again, expressly covenanted, that "the space between said wharves, when they are extended, which is situated outside of the outer line of the Beach and Water Lot Property, as defined by the Legislature, shall remain free from obstructions, and be used as public slips for the accommodation and benefit of the general commerce of the city and State." That these wharves are already contracted for on the part of the city, at an expense of a million of dollars, we are credibly informed, but it is sufficient for the present purpose, that the city has a vested right to build them and derive revenue from them, which she has not forfeited by any relinquishment or non use.

Here, then, are absolute vested rights, which cannot be over-ridden by any State Legislation. The city of San Francisco, as the municipal guardian of the rights of her citizens, as well as the corporate owner of portions of the Water Lot Property, can prevent the success of such legislation, by appealing to the constitution and to the Supreme Court of the United States. Even the owner of the smallest sub-division of this property, has the same recourse, and the constitutionality of the law being brought into question, no matter in what court it is first mooted, each case will receive its final decision from the Supreme Court of the United States.

The final result of such litigation cannot be doubtful; equally certain will be the evils and intolerable oppression which will attend its slow and expensive progress. Property will be depreciated; a new complication added to the intricacy of titles; improvements will be interrupted: the investment of foreign capital will be discouraged; the minds of our citizens will be exasperated, and violent acts against the public peace may be with great reason apprehended. Nay, more, the character of the State, for sound and prudent legislation, for integrity and good faith, must inevitably suffer. To

do a wrong or inexpedient act, is to incur the penalty attached to the transgression of justice or policy ; but to attempt such an act, without the power to accomplish it, is to expose the legislative functions to the ridicule of the world. The single suggestion that the proposed extension of the eastern water front of the city cannot be legally effected, is therefore a sufficient answer to the proposition.

But in the present instance, in the opinion of the undersigned, every consideration of expediency, policy, justice and law, concurs in pronouncing against the proposed extension.

The committee desire to submit the annexed schedule as a part of their report.

JNO. T. CRENSHAW, Chairman.

SCHEDULE,

CONTAINING ELUCIDATIONS OF MATTERS OF LAW REFERRED TO IN
THE PRECEDING REPORT.

Limitation of the powers of a State Legislature. *Constitution of the United States.* Article I., Section 10. No State shall enter into any treaty, alliance or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver a tender in payment of debts ; PASS ANY bill of attainder, or ex post facto law, or LAW IMPAIRING THE OBLIGATION OF CONTRACTS, or grant any title of nobility.

A LEGISLATIVE GRANT IS A CONTRACT.

From Judge STORY'S COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES. Sections 696, 697 and 698.

Section 696. "The remaining clause, as to impairing the obligation of contracts, will require a more full and deliberate examination."

Section 697. "In the first place, what is to be deemed a contract in the Constitutional sense of this clause ? A contract is an agreement to do, or not to do, a particular thing ; or (as was said on another occasion) a contract is a compact between two or more persons. A contract is either executory, or executed. An executory contract is one in which a party binds himself to do, or not to do, a particular thing. An executed contract is one in which the object of the contract is performed. This differs in nothing from a grant, for a contract executed conveys a chose in possession ; a contract executory conveys only a chose in action. Since, then, a grant is in fact a contract executed, the obligation of which continues ; and since the Constitution uses the general term, CONTRACT, without distinguishing between those which are executory and those which are executed, it must be construed to comprehend the former as well as the latter. A State Law, therefore, annulling conveyances between individuals, and declaring that the grantors

shall stand seized of their former estates notwithstanding those grants, would be as repugnant to the Constitution as a State law discharging the vendors from the obligation of executing their contracts of sale by conveyances. It would be strange, indeed, if a contract to convey were secured by the Constitution, while an absolute conveyance remained unprotected. That the contract, while executory, was obligatory; but when executed, might be avoided."

Section 698. "Contracts, too, are express or implied. Express contracts are where the terms of the agreement are openly avowed and uttered at the time of the making of it. Implied contracts are such as reason and justice dictate from the nature of the transaction, and which therefore the law presumes, that every man undertakes to perform. The Constitution makes no distinction between the one class of contracts and the other. It then equally embraces and applies to both. Indeed, as by far the largest class of contracts in civil society, in the ordinary transactions of life, are implied, there would be very little object in securing the inviolability of express contracts, if those which are implied might be impaired by State legislation. The Constitution is not chargeable with such folly or inconsistency. Every grant in its own nature amounts to an extinguishment of the right of the grantor, and implies a contract not to re-assert it. A party is, therefore, always estopped by his own grant. How absurd would it be to provide that an express covenant by him, as a muniment attendant upon the estate, should bind him forever, because executory, and resting in action; and yet, that he might re-assert his title to the estate and dispossess his grantee, because there was only an implied covenant not to re-assert it."

DECISIONS OF THE SUPREME COURT OF THE UNITED STATES, that a LEGISLATIVE GRANT is a CONTRACT which CANNOT BE REPEALED OR ANNULLED.

FLETCHER *vs.* PECK.

6 Cranch's Reports, 87.

On January 7th, 1795, the Legislature of the State of Georgia passed an Act granting certain lands belonging to the State to certain persons named in the Act.

On January 13th, 1796, the Legislature repealed the former Act, by "an Act declaring null and void a certain *usurped* Act passed by the last Legislature of this State at Augusta, the 7th day of January, 1795, under the pretended title of "an Act, &c., reciting its title," and declaring as the reason, that it was made without authority, and FRAUDULENTLY OBTAINED. The question coming up in the Supreme Court of the United States, whether the *grant* thus made by the State under the first Act could be revoked by the Legislature, the court decided that *that legislative grant was a contract within the terms of the Constitution of the United States, and that the Legislature could not alter, annul, or repeal it.*

PER MARSHALL, CHIEF JUSTICE.

"The case as made out in the pleadings, is simply this: One individual who holds lands in the State of Georgia, under a deed covenanting that the

title of Georgia was in the grantor, brings an action of covenant upon this deed, and assigns, as a breach, that some of the members of the Legislature were induced to vote in favor of the law, which constituted the contract, by being promised an interest in it, and that therefore the Act is a mere nullity."

"That corruption should find its way into the governments of our infantile republics, and contaminate the very source of legislation, or that impure motives should contribute to the passage of a law or the formation of a legislative contract, are circumstances most deeply to be deplored."

"The lands in controversy vested absolutely in James Gunn and others, the original grantees, by the conveyance of the Governor, made in pursuance of an Act of Assembly to which the Legislature was fully competent. Being thus in full possession of the legal estate, they, for a valuable consideration, conveyed portions of the land to those who were willing to purchase. If the original transaction was infected with fraud, these purchasers did not participate in it, and had no notice of it. They were innocent. Yet the Legislature of Georgia has involved them in the fate of the first parties to the transaction, and, if the act be valid, has annihilated their rights also."

"The Legislature of Georgia was a party to this transaction; and for a party to pronounce its own deed invalid, whatever cause may be assigned for its invalidity, must be considered as a mere act of power which must find its vindication in a train of reasoning not often heard in courts of justice."

"But the real party, it is said, are the people; and when their agents are unfaithful, the acts of those agents cease to be obligatory."

"It is however to be recollected, that the people can act only by these agents; and that, while within the powers conferred on them, their acts must be considered as the acts of the people. If the agents be corrupt, others may be chosen; and if their contracts be examinable, the common sentiment, as well as common usage of mankind, points out a mode by which this examination may be made and their validity determined."

"If the Legislature feel itself absolved from those rules of property which are common to all the citizens of the United States, and from those principles of equity which are acknowledged in all our courts, its act is to be supported by its power alone; and the same power may divest any other individual of his lands, if it shall be the will of the Legislature so to exert it."

"It is not intended to speak with disrespect of the Legislature of Georgia, or of its acts. Far from it. The question is a general question, and is treated as one. For although such powerful objections to a legislative grant, as are alleged against this, may not again exist, yet the principle, on which alone this rescinding act is to be supported, may be applied to every case to which it shall be the will of any Legislature to apply it. The

principle is this : that a Legislature may, by its own act, divest the vested estate of any man whatever, for reasons which shall, by itself, be deemed sufficient."

"In this case the Legislature may have had ample proof that the original grant was obtained by practices which can never be too much reprobated, and which would have justified its abrogation so far as respected those to whom crime was imputable. But the grant, when issued, conveyed as estate in fee simple to the grantee, clothed with all the solemnities which law can bestow. This estate was transferrable ; and those who purchased parts of it were not stained by that guilt which infected the original transaction. Their case is not distinguishable from the ordinary case of purchasers of a legal estate without knowledge of any secret fraud which might have led to the emanation of the original grant. According to the well known course of equity, their rights could not be affected by such fraud. Their situation was the same, their title was the same, with that of every other member of the community who holds land by regular conveyances from the original patentee."

"Is the power of the Legislature competent to the annihilation of such title, and to a resumption of the property thus held ?"

"The principle asserted is, that one Legislature is competent to repeal any Act which a former Legislature was competent to pass ; and that one Legislature cannot abridge the powers of a succeeding Legislature."

"The correctness of this principle, so far as respects general legislation, can never be controverted. But, if an act be done under a law, a succeeding Legislature cannot undo it. The past cannot be recalled by the most absolute power. Conveyances have been made,—those conveyances have vested legal estates ; and, if those estates may be seized by the sovereign authority, still, that they originally vested is a fact, and cannot cease to be a fact."

"When, then, a law is in its nature a contract,—when absolute rights have vested under that contract,—a repeal of the law cannot divest those rights ; and the Act of annulling them, if legitimate, is rendered so by a power applicable to the case of every individual in the community."

"The Constitution of the United States declares that no State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts."

"Does the case now under consideration come within this prohibitory section of the Constitution ?"

"In considering this very interesting question, we immediately ask ourselves, What is a contract ? IS A GRANT A CONTRACT ?"

"A contract is a compact between two or more parties, and is either

executory or executed. An executory contract is one in which a party binds himself to do, or not to do, a particular thing; such was the law under which the conveyance was made by the Government. A contract executed is one in which the object of contract is performed; and this, says Blackstone, differs in nothing from a grant. The contract between Georgia and the purchasers was executed by the grant. A contract executed, as well as one which is executory, contains obligations binding on the parties. *A grant in its own nature amounts to an extinguishment of the right of the grantor, and implies a contract not to re-assert that right.* A party is, therefore, always estopped by his own grant."

"Since then, in fact, a grant is a contract executed, the obligation of which still continues;—and since the Constitution uses the general term contract, without distinguishing between those which are executed and those which are executory, it must be construed to comprehend the former as well as the latter."

"If, under a fair construction of the Constitution, grants are comprehended under the terms contracts, is a grant from the State excluded from the operation of the provision? Is the clause to be considered as inhibiting the State from impairing the obligation of contracts between two individuals, but as excluding from that inhibition contracts made with itself."

"Whatever respect might have been felt for the State sovereignties, it is not to be disguised, that the framers of the Constitution viewed, with some apprehension, the violent acts which might grow out of the feelings of the moment; and that the people of the United States, in adopting that instrument, have manifested a determination to shield themselves and their property from the effects of those sudden and strong passions to which men are exposed. The restrictions on the legislative power of the States are obviously founded in this sentiment; and the Constitution of the United States contains what may be deemed a bill of rights for the people of each State."

"It is, then, the unanimous opinion of the court, that, in this case, the estate having passed into the hands of a purchaser for a valuable consideration, without notice, the State of Georgia was restrained, either by general principles which are common to our free institutions, or by the particular provisions of the Constitution of the United States, from passing a law whereby the estate of the plaintiff in the premises so purchased could be constitutionally and legally impaired and rendered null and void."

THE STATE OF NEW JERSEY *vs.* WILSON.

7 Cranch's Reports, 164.

The Legislature of the Colony of New Jersey, on August 12th, 1758, passed a law authorizing the purchase of lands for certain Indians, restrains them from granting leases or making sales, and enacts "that the

lands to be purchased for the Indians aforesaid *shall not* hereafter be *subject to any tax.*"

Afterwards, the Legislature of the State of New Jersey passed a law authorizing the Indians to sell these lands.

Afterwards, in October, 1804, the Legislature *repealed* that section of the Act of August, 1758, which exempted the lands therein mentioned from taxes. The lands were then assessed and the taxes demanded. The owners of the lands refused to pay, and the case came into the Supreme Court of the United States, upon the question, whether the State could repeal the Act exempting the lands from taxation.

The court decided—Marshall, Chief Justice, delivering the opinion—that *the Act* exempting the lands from taxation *was a contract*, which could not be rescinded by subsequent legislation; and that "the Act of repeal was repugnant to the Constitution of the United States, inasmuch as it *impairs the obligation* of a contract, and *is, on that account, void.*"

See also to the same effect the cases of

THE TRUSTEES OF DARTMOUTH COLLEGE *vs.* WOODWARD.
4 Wheaton's Reports, 518.

GREEN *vs.* BIDDLE.¹ 8 Wheaton's Reports, 1.

TRUSTEES OF WATERTOWN *vs.* COWEN. 4 Paige Rep. 510.

WALWORTH, CHANCELLOR, decides that "where the owners of land in a city or village lay out such lands into lots, with streets and avenues intersecting the same, and sell the lots with reference to such streets and avenues, they cannot afterwards deprive their grantees of the benefit of having such streets and avenues *kept open*; and the same principle is applicable to a similar dedication of urban lands to be used as an open square or public walk."

When the owner of lands *grants* or conveys *them by reference to a map* on which a portion of said lands are laid out for public use, such lands so laid out are to be considered as *dedicated* to the *public*.

LIVINGSTON *vs.* THE MAYOR OF NEW YORK. 8 Wendell, 85.

MATTER OF LEWIS STREET. 2 Wendell, 472.

MATTER OF SEVENTEENTH STREET. 1 Wendell, 262.

In the case of the CITY OF CINCINNATI *vs.* THE LESSEE OF WHITE, 6 Peters, 432, the Supreme Court decide, in relation to lands so dedicated, that "after being thus set apart for public use, and enjoyed as such, and individual rights acquired with reference to it, the law considers it in the nature of an *estoppel in pais*, which precludes the original owner from *revoking such dedication.*"

BREED & DENNIS *vs.* CUNNINGHAM & POTTER.
 Supreme Court of California.

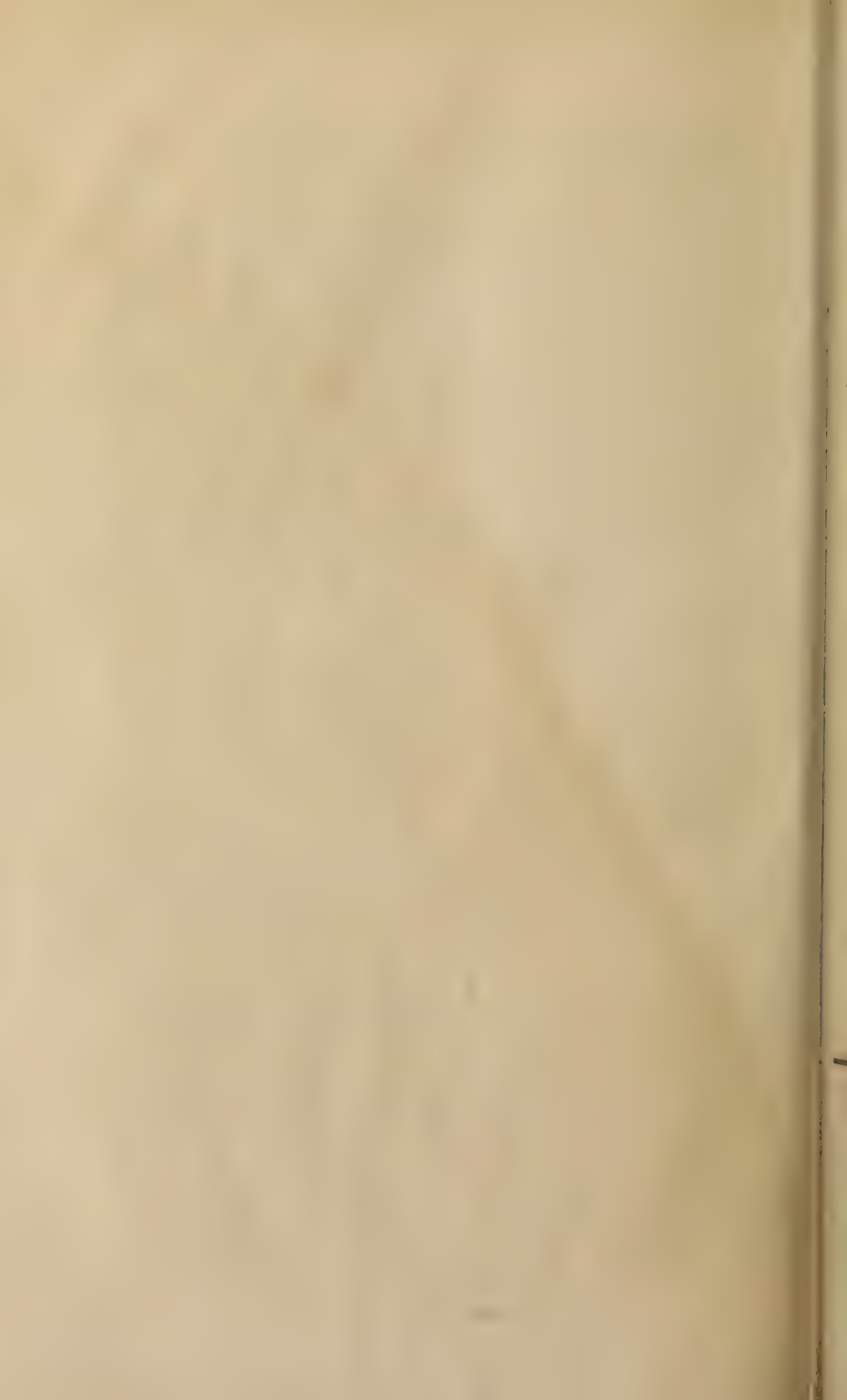
BY MURRAY, CHIEF JUSTICE.—The Court rendered a decision in favor of defendants as follows: “This action is brought to restrain the defendants by injunction from filling up the space between the north side of Market street wharf and the north line of Market street, and to recover damages for the partial filling of the same. The proofs show, that on the 28th of March, 1851, the Commissioners of the Sinking Fund on behalf and as Trustees for the city of San Francisco, entered into a contract with the plaintiffs, whereby the plaintiffs were granted the exclusive use and right to Market street, commencing on the east side of Front street and extending out into the Bay to the termination of Market street, as laid down on the map of the city, for the purpose of constructing a wharf, with the right to levy and collect tolls, wharfage, &c. This contract was confirmed by the Legislature on the 29th of April, 1851. The plaintiffs proceeded to construct the wharf according to the contract, leaving on either side a space within the line of Market street sufficient for the mooring of vessels. It is for the threatened filling in of this space and the consequent obstruction to the plaintiffs’ enjoyment and use of the wharf, that this action is brought.”

“Before the grant to the plaintiffs of 28th of March, 1851, the space known as Market street, on the map of the city of San Francisco, had by a series of acts, both on the part of the city and the Legislature of the State, become dedicated to the public as a public street. The Ayuntamiento, before the incorporation of the city, *had sold* to several persons *the lots* on each side of the space referred to by numbers, *as they are known and marked on the map of the city*; the lots on such plan or map being bounded on this space, which is named in the conveyances and laid down on the map as Market street. The Act of the Legislature of the 26th of March, 1851, usually known as the Water Lot Act, was passed prior to the grant to the plaintiffs. By this Act, the State granted and confirmed to the purchasers from the Ayuntamiento the lots so purchased, *thereby becoming a party to the grants*. Thus the use to the several purchasers and their successors, as well as to the public, of the space called Market street, became a vested right.”

“Where lands are laid out into lots, and are sold and conveyed as fronting on and bounded by a space which is designated on the plan and in the conveyance as a street, the use of such space as a street passes as appurtenant to the grant, and vests in the grantees, in common with the public, the right of way over such street. Such acts on the part of the grantor constitute an immediate dedication of the street, and it is out of his power to sell or dispose of the land so dedicated, or to devote it to any other purpose than that of a public street.”

“The grant, therefore, to the plaintiffs, being subsequent to the passage of the “Water Lot Act,” so far as it conflicts with rights secured under such Act, *is inoperative*. There must be judgment for defendants upon the whole issue.”





[Document No. 33.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MAJORITY AND MINORITY REPORTS

OF THE

SELECT COMMITTEE

APPOINTED TO VISIT STOCKTON FOR THE PURPOSE OF EXAMINING THE
GROUNDS SELECTED FOR THE SITE OF THE

S T A T E A S Y L U M

FOR THE INSANE.

[GEORGE KERR, STATE PRINTER.

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MAJORITY REPORT
OF THE
SELECT COMMITTEE.

MR. SPEAKER :

The undersigned, a majority of the Select Committee, appointed to visit Stockton for the purpose of examining the grounds selected for the site of the State Asylum for the Insane, make the following Report :

Your committee found that the whole country around and about the city of Stockton and the Asylum, is flat and low ; embraced within this, is some tule land.

The general appearance of the neighborhood is as much like that of Sacramento City, in its relation to the water of the river and sloughs, as any portion of the State to which we can compare it.

Your committee would state, that the land about the Asylum is of alluvial deposit, and this fact is good evidence that, at no very long time past, the whole of the valley of the San Joaquin was subject to overflow.

Your committee would further state, that during the past winter, the water covered that part of the city lying near the main slough, which is evidenced by the water marks on and in the houses near by.

From evidences which are presented to your committee, they are compelled to the conclusion, that the ground between the city and the Asylum was almost entirely covered by the rain water, or by the water which was backed on the Hospital by the swollen condition of the San Joaquin River. This evidence alluded to, is the drift wood, &c., which is seen among the limbs of trees bordering on the slough, and immediately by the *site*. These sloughs are, at this time, narrow sheets of water, and if they remained as they are, would be no cause of objection to the location, on the part of your

committee. But your committee believe, that the appearance of the country around will not justify either of us in saying, that the location which we examined is so situated as to be beyond the probability of being overflowed, or that it is accessible at all seasons of the year.

Your committee will call to the mind of the Assembly the fact, that many parts of the valleys of the Sacramento and San Joaquin were covered with water during the past winter, which were said to be entirely above the influence of water coming either from rivers or sloughs, by the oldest inhabitants of this State.

Your committee will state, that to the south and west of Stockton, an immense tule stretches as far as the eye can reach. And your committee have been taught by theory, and learned by observation, that winds impregnated with malarious poison, when they blow from marshes, bear with them the seeds of disease, (ague and fever,) which nothing but a reclaiming of these low lands can entirely prevent. It is true, that during the summer, and all of some years, at which time these diseases prevail, that the poison is neither very virulent nor wide spread, but at other times the reverse is the case. In the opinion of the undersigned, an Asylum for any and every purpose should be located on grounds, the position of which, *admits of no doubt as to their being above the danger of overflow, or submergence* by the waters of rivers or sloughs.

Your committee will not say, that the location of the Asylum for the Insane is sickly, because they have not statistical information to justify such assertion; but they could see nothing in the neighborhood to justify them in recommending that the work which has been commenced should be completed by the State.

Your committee cannot conceive how a *sea breeze* could reach the city of Stockton, without, at least, passing over the marshes which are between this place and the said city, even if one ever goes up the San Joaquin. As to the ranges of the thermometer, your committee will say that the minority report which will be presented to the house, will contain a tabular account of the rise and fall of the mercury during the summer.

Your committee will hold themselves in readiness to answer, *verbatim*, any questions which may relate to their visit, &c., &c.

Respectfully,

T. T. CABANISS,
JOHN SIME.

MINORITY REPORT

OF THE

SELECT COMMITTEE.

MR. SPEAKER :

The undersigned, from the Select Committee of three, appointed to visit the city of Stockton for the purpose of examining the site selected by the Trustees of the Stockton State Hospital for the erection of a State Insane Asylum, has the honor to report—

That in accordance with the requirements of a resolution, adopted March 5, 1853, the committee repaired to the city of Stockton and proceeded to the discharge of their duties. The grounds selected are the most elevated in the vicinity of Stockton—the whole country in and about that place being low and flat—but from the best evidence the undersigned could obtain, the site for the Asylum is not subject to overflow.

In evidence of the healthiness of the location, the undersigned submits a few statistics from the meteorological tables for the months of July, August and September, in the years 1851 and 1852.

The tables were kept at the State Hospital, and marked regularly every day at the hours designated, by the Resident Physician, Dr. R. K. Reid.

The instruments were placed in the open air, in the shade, and with a north-western exposure :

1851. Thermometer.	JULY.			AUGUST.			SEPTEMBER.		
	A.M.	P.M.	P.M.	A.M.	P.M.	P.M.	A.M.	P.M.	P.M.
	8	2	8	8	2	8	8	2	8
Highest point,	78	98	76	70	97	73	72	88	73
Lowest point,	58	76	74	60	84	60	62	74	60
Average height,	74	92	66	63	82	61	66	80	64
1852.									
Highest point,	80	100	79	72	98	75	74	100	78
Lowest point,	64	80	70	62	86	62	54	75	50
Average height,	73	95	65	65	85	63	64	85	60

Thus, in 1851, the mercury never rose to 100 degrees, and in 1852 only six days in July, and five in September, did it reach that height, and never above it.

In 1852, the 30th and 31st days of July, the 2d of August, and 3d of September were cloudy, with a few drops of rain; the remaining days clear and pleasant, the breeze invariably from the North West.

	THERMOMETER.			BAROMETER.			WIND, RAIN, &c.
	A.M.	P.M.	P.M.	A.M.	P.M.	P.M.	
	8	2	8	8	2	8	
March 1,	50	68	58	29.75	29.67	29.57	clear, wind N. W.
2,	52	69	58	29.65	29.60	29.57	foggy, at 8 A.M.
3,	49	73	60	29.60	29.60	29.67	clear at nine.
4,	52	74	64	29.65	29.55	29.50	clear.
5,	56	76	62	29.50	29.48	29.48	"
6,	62	74	58	29.49	29.48	29.48	"
7,	56	69	52	29.49	29.49	29.48	"
8,	56	67	56	29.49	29.47	29.40	cloudy, rain 1-100 inch.
9,	54	60	50	29.35	29.31	29.35	rain, 2-10 inch.
10,	48	56	44	29.49	29.50	29.57	clear.
11,	40	56	44	29.57	29.57	29.57	"
12,	42	58	48	29.57	29.57	29.57	"
13,	44	60	50	29.60	29.57	29.57	
14,	46	62	60	29.55	29.49	29.47	61-2 m. wind S.S.W. and rain 3-10 in.

For the first fourteen days in March, at 8 A. M., the thermometer only varied 22 degrees. At 2 P.M. 20, and at 8 P.M. 29; while at the same hours, and for the same number of days, the barometer only varied 40-100, 36-100 and 32-100 of an inch. The above facts prove conclusively, that the temperature of the climate is very equable, and that sudden changes and extremes of heat and cold are unknown.

The undersigned has also been informed by numerous residents of the first respectability, that during the dry season a breeze from the sea-board regularly sets in every morning, and continues till 4 o'clock, or later, P.M.

These facts, notwithstanding the flat and low appearance of the country

in and about the city of Stockton, with its tule lands, compel the undersigned to the conclusion that the site selected is a healthy position, and as such is eminently adapted to the location of the State Insane Asylum.

The only objection that obtains with the undersigned, is the fact that it is less accessible for the whole State, and necessarily involves parties conveying lunatics to that point, in greater expense than would be incurred, if the Asylum was located at some point on the Straits of Carquinez.

The foundation laid for the Asylum, commenced in accordance with the provisions of an Act of the last Legislature making an appropriation of moneys for the erection of an Asylum for the Insane at Stockton, is not, in the opinion of the undersigned, sufficiently large for the purposes of the State ; but would answer for a wing to the main building.

The material composing the foundation could be taken up and used in the further construction of the Hospital building, in process of erection, by the Trustees of the Stockton State Hospital.

The undersigned, would further add, that he was assured that any amount of land necessary for Asylum purposes would be donated, and is here able to state, that the following resolution has been adopted by the City Council of Stockton.

Resolved, That the Mayor of this city be and he is hereby instructed, to offer as a donation to the State of California, 100 acres of land to be situated in or near the city ; provided the same be used for the location of a State Insane Asylum and Hospital.

The question will probably arise, whether it will be advisable to locate the Asylum at any other point after the outlay already made by the State towards the erection of an Asylum.

The undersigned will make no suggestions in his report ; but prefers to discuss the matter, when the whole subject is properly before the Assembly, and will hold himself in readiness to impart any further information which he may possess from observation of the present condition of the works now suspended, and awaiting the action of the Legislature.

AUSTIN WING,
Chairman of Select Committee.

[Document No. 34.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT
OF THE
COMMITTEE ON CLAIMS.

[GEORGE KERR, STATE PRINTER.

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REPORT

OF THE

COMMITTEE ON CLAIMS.

The Committee on Claims, to whom was referred "An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital," have had the same under consideration, and beg leave to submit the following report:

In consequence of the magnitude of the interests, as well as the principle involved in the endorsement of an Act of a Board of Officers appointed by this body to an extent not required or guaranteed by the law by which said officers were appointed, have induced your committee to examine with great care and caution the subject matter of the bill before them.

The Board of Trustees, believing themselves authorized so to act, did, in July and August last, advertise for proposals to erect a State Hospital at Stockton, and contracted for the building of the same with Luke Vickers and Wm. Saunders for the sum of \$31,880. The contractors proceeded to the execution of this contract, and, after having expended much time and money in the construction of said building, the President drew upon the Comptroller of State for money to carry on the erection of the building, which draft the Comptroller declined to audit. The consequence of this course, on the part of the Comptroller, was to check the progress of the work, and the State Hospital building now remains unfinished, after the contractors had expended about \$23,000 thereon, including material now on the ground. Without attempting a defence to the course pursued by the Comptroller, your committee feel bound to conclude, after a thorough examination of all the laws on this subject, that it was, to say the least, a stretch of authority on the part of the Board of Trustees to contract with a party for the erection of such a building at such a price, without the certainty of having a fund sufficient to satisfy the indebtedness thereby created.

Your committee are of opinion, however, that in consequence of the increasing immigration to this State, the Trustees may have believed that the Hospital Fund from that source would have been greatly increased by way of passenger Tax, and that by a more perfect administration of the laws the amount received into the Hospital Fund from Gambling and Auction Licenses, would have so enlarged the Stockton Hospital Fund, with the \$15,000 annual appropriation, to enable them to support and maintain the Hospital, and also to erect the building for which they have contracted. We are informed that but little, if any more, has come into the Fund than was necessary for the support of the Hospital.

Your committee feel satisfied that the contractors undertook the erection of said building in good faith, believing that they would be promptly paid at the compliance with the contract. They have been compelled to abandon the work for want of the means to complete the contract, at the almost total ruin of the said contractors. They contracted upon the faith and credit of the agents of the State, that prompt payment would follow the execution of the work.

Your committee would further report that they find that a donation of land has been made to said Trustees for the purpose of erecting a State Hospital and an Asylum, located within and adjoining to the city of Stockton, amounting to fifteen or sixteen acres, and now worth about \$15,000. From the best information your committee can receive, they believe that the location is admirably adapted to the purposes for which it was donated.

From the foregoing considerations, the committee have concluded that, notwithstanding they believe that the Trustees of the Stockton Hospital did exceed their authority as agents of the state in contracting for the erection of said building at a price beyond the amount they officially received, yet in consideration of the facts that the building has been contracted for and partly erected by parties relying upon the faith and credit of the State; that there were lands donated upon which to erect said building; that there was a necessity for enlarged accommodations to the inmates of said Hospital; that the building will be useful to the State as a Hospital, should the Legislature see proper to continue that system, and admirably adapted to a Lunatic Asylum, should the Hospital system be abolished.

Your committee therefore recommend that the building should be completed by the State, and that the claim presented through the bill referred to the committee should be recognized by the passage of a law authorizing the Comptroller to audit said claims, with a proviso that the contractor shall be required by bond and security to complete said building at a cost not to exceed the amount mentioned in this contract.

We ask leave to submit the following bill as a substitute for the bill referred to them, and recommend its passage.

JNO. T. CRENSHAW.
EDW'D. McKAMY.

[Document No. 35.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MAJORITY AND MINORITY REPORTS

OF

SELECT COMMITTEE,

CONSISTING OF ONE FROM EACH MINING COUNTY, TO
WHOM WAS REFERRED THE SUBJECT OF CALLING
A MINERS' STATE CONVENTION BY THE
LEGISLATURE.

[GEORGE KERR, STATE PRINTER.



MAJORITY REPORT.

MR. SPEAKER :

Your committee, consisting of one from each of the Counties of Yuba, Butte, Placer, Sacramento, San Joaquin, Calaveras, Tuolumne, Mariposa, El Dorado, Nevada, Sierra, Siskiyou, Shasta, Trinity and Klamath, appointed under a resolution of the House, for the purpose of taking into consideration and reporting upon the expediency and necessity of calling a Miners' State Convention by the Legislature, respectfully beg leave to report.

Your committee, coming from among that portion of the population who are more directly interested in this question, than any other, and, from the nature of our own avocations, having, in addition, our personal interests indirectly involved, have given this subject that mature deliberation which its importance demands. This question of a Miners' State Convention having been agitated for the past year, your committee have had extensive opportunities to ascertain the public opinion and wishes of a large majority of the people of the mining counties, not only in relation to the expediency of calling a Convention, but also of the objects sought to be attained by it.

Since the discovery of gold in this country, the Federal Government has thought proper to leave the mines free to the operations of American labor, regulated only by such laws, under the Constitution, as the people might see fit to enact.

The State, with the same confiding faith in the deep-rooted democratic tendencies of her people, has continued the same wise policy and confirmed the course pursued by the General Government. The State has gone farther—and, not knowing what laws the miners had passed or would pass, has declared by statute that the customs, usages and regulations of the miners shall, under the Constitution and Law of the State, govern the decision of the courts. This confidence in the people—unexampled in the history of the world—has not been betrayed; and California presents, at

the present time, the example of a large majority of her people regulating their own internal affairs, involving the monthly return of millions of dollars, without restraint by legal enactment on the part of the State or of the General Government.

The President, in his message of December 2d, 1851, says:—"The proper disposition of the mineral lands of California is a subject surrounded by great difficulties. In my last annual message, I recommended the sale and survey of them in small parcels, under such restrictions as would effectually guard against monopoly and speculation. But upon further information, and in deference to the opinions of persons familiar with this subject, I am inclined to change that recommendation, and advise that they be permitted to remain, as at present, a common field—open to the enterprise and industry of all of our citizens, until further experience shall have developed the best policy to be ultimately adopted in regard to them. It is safer to suffer the inconveniences that now exist, for a short period, than, by premature legislation, to fasten on the country a system founded in error, which may place the whole subject beyond the future control of Congress."

Your committee are well aware of the universal satisfaction expressed by the people of the mining counties, in the wisdom of the policy, as regards the mineral lands, expressed in this message. We believe that the inconveniences referred to, are not grievous to the people most interested, and but temporary in their nature; and that any material change in the present system would work great injury to a large number of persons, who have acquired rights and interests under it.

When it is considered that at the first a very large majority of the people laboring in the gold mines of this country were entirely unacquainted with any system of extracting the gold, and that at the present time the amount annually exported is over fifty millions of dollars, it must be conceded that the rules and regulations of miners, so far as they affect the obtaining of gold, have at least been as successful as could have been anticipated.

The mining population having full power in making all local laws in relation to mining, your committee believe that if they were dissatisfied with the system resulting from such laws, they would change it to another more suitable to their wants.

Entertaining these views, your committee are of the opinion that the wishes of the people of the mining counties will be met by the enactment of a law, which, while not violating the fundamental principles of the present arrangements, shall, at the same time, organize them into a more perfect system—by regulating the time of the enacting of the local mining laws—by providing for their record and preservation, and by giving them greater force and efficacy.

For this purpose we would recommend the passage of an Act requiring the Justices of the Peace of the several townships in the mining counties, to give notice to the people of such township, to meet on such day in each year as may be named in the Act, in such place as they may designate, for the purpose of enacting such local laws in relation to mining as they may deem proper—requiring such laws, when passed, to receive the certificate of the presiding officer and clerk of such meeting, as well as of the Justices of the Peace of such township—requiring, further, that copy of such

laws be preserved in the offices of each of the Justices of such township, and also in the office of the County Recorder of the county in which such township is situated, and making such laws, when not in conflict with the Constitution and Laws of the State, govern the decision of the courts in actions respecting mining claims in such township.

Should this be found, in its operations, to work as advantageously as is anticipated, a collection of local laws will be formed, from the principles of which general laws might be framed, satisfactory to the people most interested.

Future legislation might provide, that at the township meetings delegates should be elected to form County Conventions for the purpose, and provide for the preservation of their laws.

When this shall have been done, your committee believe the time will have arrived when a Miners' State Convention can be called, which would fully represent their various and diversified interests; and if, at that time, the class of title to mining claims, at present in force, shall cease to be satisfactory, the material will have been provided, from which some general and satisfactory system can be collated, as a recommendation to Congress for the final disposition of the mineral lands by donation or otherwise.

We believe that any plan for the calling of a Miners' State Convention, at the present time, by the Legislature, would be both inexpedient and unnecessary: because the miners, having created and adopted the present system, find it suited to their wants, and are satisfied with it;—because there is not sufficient general interest in the subject to insure a general representation of the various interests;—because the people of the mining counties fear that one great object, sought to be obtained, is a recommendation to Congress for the adoption of some system by which the miners will be required to procure a fee simple title to their claims, that they may be subject to additional taxation. The people in the mines, while willing, for the good of the State, to bear an increase of taxation on their improvements, on their personal property, and on the gold dust which is the result of their labor, they believe it to be unjust to tax their labor in prospective before it has been performed, and its results ascertained, as would be the case should their claims be taxed for their supposed value; they believe it right, and are willing to be taxed for their gold dust, after it has been obtained; but to tax their labor in procuring it, before such labor is performed, they consider equivalent to taxing the farmer for the value of the proceeds of his crop, as soon as planted, or the owner of a forest for the value of the ships that might be built from its timber.

We believe that at the present time they do not desire a Convention called by the State; they do not wish to be brought before the people, as having separate or adverse interests, and as asking for special legislation.

Your committee would respectfully offer the following resolution, and urge its adoption:

Resolved. That the Select Committee of one from the mining counties be requested to prepare and present a bill, having for its objects the regulation of the time of the enactment, or repeal, of local mining laws, providing

for the record and preservation of such laws, and making them, when passed, binding upon the courts, in all actions respecting mining claims.

All of which is respectfully submitted.

BENJ. B. REDDING, Yuba,
Chairman.

PATRICK CANNEY, Placer ;

T. T. CABANISS, Shasta ;

J. H. ESTEP, Sacramento ;

AUSTIN WING, El Dorado ;

J. McMAHON, Klamath ;

R. G. READING, Trinity ;

W. P. OLIVER, Calaveras ;

THOS. WELLS, Butte ;

SAMUEL KNIGHT, San Joaquin ;

JAMES H. GARDNER, Sierra ;

W. G. PROCTOR, Siskiyou.

Believing in the impracticability of calling a Miners' State Convention by the Legislature, at the *present time*, but disagreeing as to the reasons which are based upon a change in the tenure of land.

JOHN J. HOFF, Tuolumne.

MINORITY REPORT.

MR. SPEAKER :

The undersigned, one of the committee to whom was referred the expediency and necessity of calling a Miners' State Convention, after examining carefully the subject, would make the following brief report.

I am opposed to the report presented by the majority of the committee, upon the expediency and necessity of calling a Miners' State Convention by the Legislature, for the reason that it is believed that a Miners' State Convention, to be held at this time, would be productive of great benefit to the State generally, and especially to the entire mineral region, by establishing permanently laws in said mineral regions throughout the State, thereby giving stability to the profession, and confidence to the miner in pursuing with energy and industry his profession.

Experience teaches the necessity of a Miners' State Convention ; for the longer it is deferred, the more difficult it will be found to accomplish the desired object, by establishing permanent and general laws throughout the mines, thus equalizing the rights and privileges of the miner, and impeding the progress of monopoly in the mines, already in existence.

Daily are the placers throughout the mineral regions becoming divided and subdivided into small districts, each district governed by its own local laws, and in many instances whole districts monopolized and claimed by one or two individuals. As long as this state of things shall exist, we cannot hope to have, throughout our mines, equal rights or sound rules and regulations.

For the foregoing, and many other reasons, the undersigned declined subscribing to the majority report of the committee.

P. T. HERBERT.



[Document No. 36.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE OF PUBLIC EXPENDITURES

ON THE

REPORT OF THE AGENTS OF THE CALIFORNIA
RELIEF EXPEDITION.

GEORGE FERR, STATE PRINTER.



REPORT.

MR. SPEAKER: .

The Committee on Public Expenditures, to whom was referred the "Report of the Agents of California Relief Expedition," have the honor to report—

That they have had the same under consideration, and find that the Governor, by authority of "an Act for the Relief of Immigrants travelling overland to California," approved May 3d, 1852, proceeded, soon after the adjournment of the last Legislature, to the purchase of mules, wagons, harness, &c., for the transportation of necessary provisions for the purposes contemplated in the above named Act, and appointed, as agents, Messrs. James S. Raines, J. W. Denver, and Capt. J. Bodley, to superintend the distribution.

It appears that the Relief Train left the city of Sacramento on the 25th of June past, *en route* for Carson Valley, under charge of Messrs. Raines and Denver, and the remainder under charge of Capt. Bodley, for Humboldt River *via* Marysville and Beckwith's Valley; the Carson Valley Train reached that point on the 13th of July, having been delayed on the route by accidents incident to the crossing of the Sierra Nevada by roads untravelled since the preceding year.

One of the agents (Gen. Raines) immediately proceeded from Carson Valley across the *Desert* to Humboldt River, and met that part of the train which left Sacramento city under charge of Capt. Bodley. A post was established by them at the sink of the Humboldt, and left in charge of Mr. L. M. Ounsby. Returning back across the *Desert*, Capt. Bodley established a post on Truckee or Salmon Trout River, and Gen. Raines one on Carson River. At the last post it was found necessary to construct a large harbor for the reception of the sick, and to employ a physician and nurses, as many of the immigrants were sick, and suffering for want of care and necessaries to sustain life under the inflictions of disease. Thus much is derived from the Report of the agents. Your committee here feel it a duty

to say, that in the selection of agents to take charge of the Relief Train, "His Excellency the Governor exercised sound judgment and discretion," as it appears from the printed Report and the unpublished papers accompanying the same, that through the whole expedition they acted with discretion, zeal and faithfulness in the discharge of their duties, and in all cases adhering strictly to the instructions given by the Governor for their guidance. A copy of which is here presented.

EXECUTIVE DEPARTMENT,
Sacramento City, Cal., June 25, 1852. }

*To the Agents appointed to distribute
the California Emigrant Relief Fund :*

GENTLEMEN—

In proceeding on your Expedition for the Relief of Emigrants to this State, you will observe the following

INSTRUCTIONS.

First. Proceed to a favorable point on the Humboldt River, above the sink, so as to meet the emigrants coming down both sides of the river.

Second. Establish depots on the several routes at the points you may, after examination, deem best.

Third. Employ the teams and teamsters in procuring grass and water, and in aid of emigrants over the Desert and up difficult mountains and hills.

Fourth. You will instruct the superintendents of stations, in the distribution of provisions, to furnish all who are in want, but to give preference, in all cases, to families of women and children.

Fifth. Instruct the superintendents of stations to keep an account of the amount of provisions distributed and the names of recipients.

Sixth. Instruct the superintendents of stations not to engage in the purchase of stock from the emigrants, nor to permit others to do so about the stations.

Seventh. Instruct the superintendents of stations not to advocate any particular route, but to give correct information in reference to the several routes, as far as within their knowledge.

Eighth. You will afford every aid in your power to the sick; and, if necessary, place them in covered wagons, and with as little delay as possible transport them to a point within reach of medical aid and proper attention.

Ninth. You will render all the assistance in your power to families crossing the Desert; and, when necessary, place the women and children in covered wagons, and take them speedily to a point on this side the Desert, where they can remain safely and comfortably until joined by their friends.

Tenth. Instruct the teamsters and superintendents of stations to guard the mules and stations carefully, so as to prevent losses or injury.

Eleventh. You will report to me as frequently as possible; and when in want of additional provisions, name the articles and the amount of each required.

Twelfth. At this distance from the seat of operations, it is impracticable to make suggestions which will meet every case that may arise; much, therefore, must be left to your discretion and prudent management. You will adopt such course, not inconsistent with the preceding instructions, as, under the circumstances, you may deem necessary to the attainment of the object of the expedition.

(Signed.)

JOHN BIGLER.

The above instructions were, as your committee were informed and believe, from the evidence before them, strictly complied with and carried out through the whole expedition.

In compliance with instruction No. 5, by His Excellency the Governor, (as above,) the superintendents opened an account with the recipients of the distribution, recording the names of recipients, place from which they immigrated, number pounds each of the various articles distributed, date, &c.

In the distribution of supplies, it was deemed necessary, by the agents, to use much discrimination and care; and, for the better protection of the State from imposition, those receiving supplies were required to subscribe to the following oath, viz:

I do solemnly swear before Almighty God that I am an immigrant in destitute condition, having neither provisions, nor money, nor property of any kind with which to purchase a subsistence into California, and that it is necessary for me to have — pounds of flour, &c., &c., for the subsistence of — number of persons.

Sworn and subscribed to before me this — day of —, 1852.

Agent Relief Train.

The lists of distributions by L. P. Ormsby, at the Sink of Humboldt River, and of Capt. J. B. , at Truckee River, up to the time of his resignation, and of Gen. Denver, from date of said resignation until the breaking up of both stations, are both complete.

That of Carson River is perfect to the 25th of August, but the accounts,

from this date to the breaking up of the station, were destroyed by fire at Sacramento city, on the 16 day of November, 1862.

Schedule G exhibits a list of some thirty-two persons relieved at Carson Valley by orders upon Howe & Co.

By calculating the cost of transporting the provisions distributed to indigent immigrants at and beyond the Carson and Truckee River stations, (near 25,000 pounds, about the amount distributed,) at the usual prices paid, (which was twenty-five cents per pound at Carson Valley from Sacramento city, and of course additional rates at the stations beyond,) and it will be seen that the item alone would have absorbed nearly or quite one-half of the original appropriation, all on the one amount of money actually saved the State by the Train, so the transportation of indigent persons (women, children and sick) across the Sierra Nevada mountains, on each return trip, at the prices charged by packers and traders, and the above amount will be considerably increased.

By Schedule H, of accounts of receipts and expenditures of Relief Expeditions, it appears, as confirmed by vouchers before your committee, that the expenditures amounted, in all, to \$41,548 75. By sale of mules, and other property, at public auction, November 18th, in Sacramento city, belonging to the Relief Train, \$4,106 01 was realized. All on this the amount appropriated by Act of Legislature, (\$40,000,) and subtract the total from the amount expended, (\$41,548 75,) and we find an excess of expenditures of \$1,442 75. Had not the vagrants, hordes, &c., of the city been in Sacramento city, on the night of the 16 of November last, being destroyed by fire, their sale would probably have made up the amount of excess—perhaps left a small balance in favor of the State. Your committee are conscious that Governor Hunt from his private funds. Your committee are conscious in the opinion that this sum should be refunded to the Governor by the State, so he was not the agent of the State in dispensing this relief, and would not be liable for the location of this accidental excess of expenditures, occasioned by the miserable configuration of November last, a completely destructive of property in the city of Sacramento.

Schedule F exhibits a list of some thirty persons, or thereabouts, who were admitted to the Hospital at Carson River, nine of whom died and were properly buried, and their graves marked, before the station broke up. Eight of these remaining sick when the station was abandoned, they were taken across the mountains and placed in the State Hospital at Sacramento city.

The agents estimated that about three thousand persons were relieved, in all, at the different stations: the loss of papers, as above, making it impossible to give the precise number.

The loss at Carson River, on the 16th August, shows that over one thousand persons had been relieved: about this time the great tides of the immigration began to pass and the per centage of destitution consequently diminished, both from the increased concentration and the business of the season, rendering greater loss of stock the want of food, and consequent number of property to realize and use forward to the point of relief.

Your committee believe that the collection of the papers is not completed, and that a full and complete examination of the papers connected with the

expedition, with a knowledge of the circumstances under which they acted, justify them in the conclusion, that as agents of the State in the dispensation of its Relief Fund to the destitute and sick immigrant, they have discharged their duties faithfully and are deserving of all confidence ; and your committee would further say, that upon examination of the plan of operations, as devised and carried out by and under the directions of His Excellency the Governor, they are satisfied that it was eminently practicable and economical, and gives evidence of that experience in the wants and necessities of the overland immigration, requisite to carry out the praiseworthy and benevolent design of the expedition.

AUSTIN WING, Chairman.
FRED. A. SNYDER.



[Document No. 37.]

IN THE ASSEMBLY]

[SESSION OF 1853.

REPORT OF THE COMMITTEE

RELATIVE TO

ACT TO DISPOSE OF THE INTEREST OF THE STATE OF
CALIFORNIA IN CERTAIN PROPERTY, &c.

[GEORGE KERR, STATE PRINTER.



REPORT.

Mr. Speaker:

The Committee to whom was referred an act entitled "An Act to dispose of the interests of the State of California in certain property, and quiet the title thereto," have considered the same, and beg leave to report:

That in the judgment of your committee, two important objects will be accomplished by the passage of the proposed act.

First. To aid materially in diminishing the civil indebtedness of the State.

Second. To increase to a corresponding or greater extent the basis of taxation, by adding to our tax list a large amount of real estate from which the State now derives no revenue.

By this policy, diminishing our indebtedness on the one hand, and increasing our permanent tax list on the other, can the State now free herself from embarrassment.

We are satisfied that the property described in the bill, or a large portion of it, can be disposed in individual ownership without detriment to the City of San Francisco, or injury to the harbor, or to the commercial interests of the State. On the contrary, we believe that the best interests of the State will be subserved by carrying out the provisions of the proposed act, not the least of which is the fact that it proposes a basis of settling difficulties of the most complicated character, in which both State and City, as well as a large number of our citizens are involved, and which, without some legislative enactment, must continue to prove a fruitful source of litigation and increasing trouble with our people, and at the same time retard large and permanent improvements on the property implicated.

To accomplish so desirable an object, all must admit is within the province and duty of the Legislature when empowered so to do.

On the part of the State, it is proposed to appoint Commissioners, by and with the advice and consent of the Senate, whose duty it will be to act for her, and much must be left necessarily to their sound judgment and discretion, in carrying out the provisions of the proposed law.

Prominent among those who oppose the proposed extension, are men who two years since advocated an extension vastly more injurious, in the opinion of your committee, to the harbor of San Francisco and commercial interests of the State, than the one now under consideration.

Your committee believe they do not err when they say, that these advocates of the first extension were influenced largely in their views on that subject by the private gains that were to inure to them at the expense of the State, and feel confident in the justice of the conclusion, that their opposition to the present proposition is founded also more largely on the fact, that it will lead to an investigation of the titles under which they claim an immense amount of property adverse to the State, than from considerations of a public character.

Your committee are supported in their position by the opinion of the Attorney General on this subject, communicated to this House on the 18th of February, 1853, to which they respectfully refer.

They fully concur in the general views set forth in the able report accompanying the bill, and more particularly that part under the head of "Domain of the State," and the conclusions of the committee on that branch of the subject, as also that portion of said report relative to adverse claimants to the property under consideration, and endorse the opinion and views in said report on that branch of inquiry.

Satisfied that the bill forms the basis of a plan which, if carried out, will greatly aid the State in her present financial embarrassment, and at the same time settle all vexed questions of title and ownership to the property embraced in this act, as well as fix, on the part of the State, a line of water front to the City beyond which the State will not hereafter extend the same.

Your committee herewith report said bill back, with the accompanying amendments, and recommend its passage.

All of which is respectfully submitted.

S. A. McMEANS, Chairman.
SAM'L BELL,
F. M. KITTREDGE,
M. J. HALLEY.

[Document No. 38.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MINORITY REPORT OF THE COMMITTEE

RELATIVE TO

ACT TO DISPOSE OF THE INTEREST OF THE STATE OF
CALIFORNIA IN CERTAIN PROPERTY, &c.

[GEORGE KERR, STATE PRINTER.

REPORT.

Mr. Speaker:

A minority of the Committee of Ways and Means, to whom was referred the bill for "An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto," have had the same under consideration, and would respectfully report:

That in their opinion the bill is eminently well calculated to abuse the interests of the State and the City of San Francisco, and to advance the views and interests of real estate jobbers, brokers and speculators. Entertaining these views, and not having the fear of any of the *Smith* family before our eyes, we recommend that the bill be indefinitely postponed.

All of which is respectfully submitted.

ROBERT ROBINSON.

[Document No. 39.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON STATE HOSPITALS.

[GEORGE KERR, STATE PRINTER.

REPORT
OF THE
COMMITTEE ON STATE HOSPITALS.

That, notwithstanding they acknowledge the power which the State proposes to throw protection around the medical profession, and prevent the indiscriminate practice of the same ; yet they do not think it expedient or proper for the Legislature, at this time, to exercise that power.

They are of the opinion that legislative restrictions would not tend, in the remotest degree, to correct the evils sought to be remedied by the provisions of this bill.

In many of the older States Acts analagous to this bill have been enforced. But after testing them for many years, they proved inefficient, and have been repealed. Those States, preferring to give a free and wide scope to those who might see proper to adopt this profession, rather than to enforce any restrictions.

Impediments of a legislative character should not be placed in the way of the free cultivation and practice of the sciences and arts. Freedom of thought and freedom of action should be extended to those who cultivate one science or profession, as well as to those who cultivate another. The scientific physician can, under all circumstances, command the respect and support of the community : while he whose medical education is limited, is only left with tools in his hands with which he is as likely to injure himself as others.

Believing it inexpedient for the Legislature to take action on this subject, your committee recommend that the bill be not passed.

McFARLAND, Chairman.
J. H. ESTEP.

[Document No. 40.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.

REPORT
OF THE
COMMITTEE ON ELECTIONS.

Mr. Speaker:

The Committee on Elections, to whom was referred the matter of the contest for seats in the Assembly, as representatives from Santa Barbara county, beg leave to report:

That they find from the evidence that an election notice was issued in due form by the Court of Sessions of the County, appointing the inspectors and judges, and naming the corridor of the Court House as the place of holding the polls. It appears that the officers of election located polls in the Court room, and other parties polls in the corridor. The contestants in this case, Messrs. Lee and Vidal, contend that the regularly appointed officers had no right to hold the polls at any other point than in the corridor, and that the votes received by them should not be counted in the returns.

Your committee think that the action of the officers of election in removing the polls from the corridor into the Court room, was not such a violation of the law as to vitiate the election, and that no injustice was done thereby to the voters of the county.

According to the returns made from these polls, Messrs. Covarrubias and Huse received a large majority of the whole number of votes cast.—Your committee therefore recommend the adoption of the accompanying resolution.

JESSE BRUSH,
SAM. FLOWER,
RICHARD IRWIN,
P. CANNEY,
• GEORGE H. BLAKE.

Resolved, That J. M. Covarrubias and C. E. Huse are the legal representatives from Santa Barbara county, and that the seat now occupied by C. V. R. Lee be awarded to Mr. C. E. Huse.

[Document No. 41.]

IN THE ASSEMBLY

[SESSION OF 1853.]

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

[GEORGE KERR, STATE PRINTER.]

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE, }
San Francisco, March 21, 1853. }

To the Hon. Speaker of the Assembly :

In answer to the resolution of the Assembly, requesting my opinion as to the legality of an Act to further extend the city front of the city of San Francisco, an inquiry is at once suggested as to the power of the Legislature over the navigable waters of the Bay and Harbor of this city.

“What in England belongs to the King, in our own more free and original system belongs to the people, whose will is expressed and whose rights are represented by the Legislature.” [Commonwealth vs. Wright et al.: 3d American Jurist, 185.]

The right of property in tide waters is vested in the Crown by the Common Law of England, as the representative of the public and as the Trustee and guardian of their common rights.

Hence the King has no authority, and since Magna Charta has never had, to obstruct navigation. [Angell on Tide Waters, 283.]

But sometimes, says Judge Thatcher in the case above cited, the common good of the subjects requires that bridges should be erected across the channel of the sea or river, and that wharves and other accommodations should be projected beyond the line of high water mark, and even into the channel, and therefore the law leaves it to the wisdom of the Sovereign, and makes it his right and duty to have them constructed.

By the 6th Section of the Act of March 26th, 1851, it is provided that "nothing in this Act shall be construed as a surrender by the State of its right to regulate the construction of wharves or other improvements so that they shall not interfere with the shipping and commerce, and interests of the Bay and Harbor of San Francisco."

The 4th Section of the same Act, which provides that the "boundary line described in Section first of this Act shall be and remain a permanent water front of said city," must be construed to apply only to the authorities of the city, and as no restraint whatever upon the State in its exercise of the right reserved in the 6th Section.

My opinion, therefore, is that an extension of the city front by the Legislature for the construction of wharves, and improvements of any kind which shall not interfere with the shipping, commerce, and interests of the Bay and Harbor of San Francisco, is unquestionably legal.

Very respectfully,

Your obedient Servant,

S. C. HASTINGS,

Attorney General.

[Document No. 42.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

COMPTROLLER'S COMMUNICATION

ACCOMPANYING THE

GOVERNOR'S SPECIAL MESSAGE.

[GEORGE KERR, STATE PRINTER.



COMPTROLLER'S COMMUNICATION

ACCOMPANYING THE

GOVERNOR'S SPECIAL MESSAGE.

Hon. JOHN BIGLER, *Governor of California.*

Sir :—I have the honor to transmit you the information called for in your note of 22d inst., which is respectfully submitted, and consists as follows :
First, of a

STATEMENT OF THE CIVIL AND WAR DEBT OF THE STATE *To March 22d, 1853, inclusive.*

Three per cent. Bonds outstanding, -	-	\$39,125 00	
Interest due on same, -	-	42,255 00	\$81,380 00
Seven per cent. Bonds, Act of 1851, -	-	368,000 00	
Interest to date unpaid, -	-	6,440 00	374,440 00
Seven per cent. Bonds, Act of 1852, -	-	995,000 00	
Interest to date unpaid, -	-	17,412 50	1,012,412 50
Comptroller's Civil Warrants outstanding Dec.			
15, 1852, -	-	69,763 79	
Do. issued to March 22, 1853, -	-	388,890 26	
		\$458,654 05	\$1,468,232 50

Amount brought forward,	-	-	\$458,654 05	\$1,468,232 50
Comptroller's Civil Warrants redeemed from December 15 to March 22, 1852,—				
By Cash,	-	-	\$32,877 85	
Lands Sold,	-	-	95,680 00	
Funding,	-	-	204,500 00	333,057 85
Comptroller's Warrants outstanding March 23, 1853,	-	-	\$125,596 20	\$125,596 20
March 22, Civil Debt,	-	-	-	\$1,593,828 70

WAR DEBT.

Twelve per cent. War Bonds of 1851,	-	-	\$200,000 00	
Interest due on same, and un- paid,	-	-	45,500 00	245,500 00
Seven per cent. War Bonds of 1852,	-	-	511,850 00	
Interest due on same and un- paid,	-	-	19,600 00	531,450 00
War Warrants outstanding and unfunded,	-	-	31,298 82	808,248 82
Add debt to the School Fund for 142,880 acres of land, at \$2 per acre,	-	-	-	285,760 00
Total,	-	-	-	\$2,687,837 52

RELATIVE TO THE ESTIMATE OF UNPRESENTED WAR CLAIMS.

I have no other data on which to base an estimate than that afforded from my last year's estimate, submitted to yourself and by your Excellency to the Legislature. The Comptroller then judged the total amount of "unpresented" War Claims in the State to amount to \$1,000,000. Subsequent to making the estimate then submitted, the Legislature made reductions of at least 25 per cent. (if not 33 $\frac{1}{3}$) from amounts of original claims placed before that body; and the Board of Examiners of Military Claims have reduced them still further, say 15 per cent., on amount turned over to them by that body, as well as still greater reductions on others which had never been examined by them. Thus it will be perceived, that an estimate would only be one embracing the amount of claims which claimants believe them-

selves entitled to receive, and not what would constitute a debt if presented and audited in conformity to the strict method adopted heretofore by the Legislature and auditing officers, in the examination and allowance of this class of claims; and which would undoubtedly reduce them at least $33\frac{1}{3}$, and probably 50 per cent. on amount claimed. The Comptroller believes, however, that before the whole of the War Claims now held in the State are presented, fully settled, and claimants cease to look either to the State or to the General Government for further allowance, the original claims now unaudited will in the aggregate amount to from \$300,000 to \$400,000, and perhaps more. This estimate, added to the amounts originally claimed and audited, either wholly or in part, since January, 1852, and since my estimate of \$1,000,000 (then unrepresented) would at least reach that sum.

With respect, I have the honor to be,

Your obedient servant,

WINSLOW S. PIERCE,
Comptroller of State.



[Document No. 43.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF

SELECT COMMITTEE

OF SUNDRY PETITIONS RESPECTING THE

FIRST DAY OF THE WEEK.

[GEORGE KERR, STATE PRINTER.



[DOCUMENT NO. .]

IN THE ASSEMBLY]

[SESSION OF 1853.

REPORT OF
SELECT COMMITTEE
OF SUNDRY PETITIONS RESPECTING THE
FIRST DAY OF THE WEEK.

[GEORGE KERR, STATE PRINTER

REPORT.

MR. SPEAKER:

The Special Committee, to whom was referred sundry petitions in reference to the first day of the week, signed by about five thousand citizens from various portions of the State, requesting the enactment of a law to secure the better observance of the Sabbath, as a day of rest, as also a remonstrance in opposition to the same, respectfully present the following report:

It has been the endeavor of the committee to examine the subject, irrespective of religious sanctions, and with due regard to the wants of a majority of the people, and to the rights of all. After a careful examination of legal precedents, and having regard to inalienable rights and the general welfare, the committee have come to the conclusion that the prayer of the petitioners should be granted, and have, accordingly, drafted a bill, which they have the honor to submit to the Assembly.

From a review of the common law, and of the statutes of the various States of the Union, it is ascertained that it has universally been found necessary to protect a community in that degree of rest, which experience demonstrates is necessary for the public good. This will be apparent, upon a moment's consideration. It results from the inequality of position between the employer and the employed,—between capital and labor. There must always be a desire on the part of an employer to secure the greatest amount of work for the least remuneration: while the dependant position in which the employed are often placed, may compel them to submit to oppression, unless the authority of Government is interposed in their behalf. It is to protect the laborer, that the ten hour bill is passed. It is to protect the laborer, that every State in America, from Maine to Texas, has passed laws to secure the better observance of Sunday as a day of rest.

Philanthropists have made many experiments to determine the greatest number of hours which can most profitably be employed in the ordinary pursuits of life. The conclusion is, that ten hours a day, for six days—providing the work is ordinarily laborious—is all that ought to be demanded. It is also demonstrated, that rest upon the seventh is indispensable, in order to restore the energies of the system exhausted by constant employment. More work can be accomplished by an individual, in a long period of time, as well as effected with incomparably greater ease, when the day of rest is observed.

But although precedent be altogether in favor of securing to the people, by law, a day of rest, in accordance with the wants of the physical constitution, it may be questioned whether California ought not to prove an exception.

The remonstrants urge that it is the case that the miners are so situated that they are compelled to use the day for the purpose of obtaining supplies, and that consequently the passage of a law to secure the observance of Sunday, would be productive of injury. This objection would have much more force, were not trading posts established in nearly all the mining districts, and in the immediate vicinity of the more important placers. The proposed law itself also makes provisions for cases of necessity.

The representatives of democracy in all the less progressive States have assumed that protection to rest should be given by the Legislature. In this State it is given to the various branches of government; and your committee do not see with what propriety it can be withheld from the people. It is remonstrated, however, that the petitioners are insincere in their petitions because they do not *now* observe a day of rest. This, it may be observed, is no criterion by which to judge, no more than in the case of the number of hours in the day in which the laborer must work. Men engaged in business pursuits, are often under the absolute necessity of following general usage, however it may be disliked, or else materially suffer in their interests. Where competition is warm, it is well known great sacrifices will often be made in hopes of ultimate benefit, and however anxious they may be to have a day of rest, many will prefer to labor, rather than suffer the loss of business. This is the very class of men comprising some of the most active, industrious, and energetic citizens in the State, that apply for relief.

The committee would also refer to the experience of all the States in the Union, as illustrating the beneficial effects of a day of rest. Intelligence and virtue are the foundation and strength of a free government. It is important that the whole people be able to know the course adopted by their representatives that they may approve and sustain them. Experience, however, shows that after the labors of the day, fatigue will ordinarily prevent that attention to moral and political subjects which their importance requires. But when a day of rest is given to a whole people, it will almost invariably be spent in the performance of religious, intellectual, or social duties, many who have no other time to attend to the movements of government, and those political investigations which are the inalienable privilege of every American, spend a portion of this day in informing themselves upon these and similar subjects. A portion of the time may also be spent by many in religious duties or social enjoyments, and thus virtue may be promoted, and happiness increased. Many observers have confidently asserted, that one use of the vast diffusion of general and political information in our country, is the opportunity for improvement given by a day of rest.

It may also be observed, that while large numbers of persons of foreign descent are entering California, and ignorant of the advantages resulting from a day of rest, are opposing its protection, and while your committee would wish to continue to extend to foreigners that hospitality for which the people of the United States have ever been so distinguished, they also believe it to be the duty of the Legislature to give especial protection to the AMERICAN FAMILIES becoming residents of this State.

They should be protected in every social, religious, or natural right. When they ask that on the day which the great majority of them consider sacred, they may not be disturbed by public exhibitions or the tumults of fanfares, or ball-fights, their request should be complied with.

When they ask that the morals of their children, who according to universal usage are prevented on the first day of the week from attending the ordinary public schools, should be guarded from corruption by legal provisions, it appears to the committee no more than justice to accede to their wishes.

The proposed enactment can produce no injury to any of our citizens. The business of the trader is not lessened, it is only condensed into six days in the week. No individual is debarred from any work of necessity or mercy, or from any private right or privilege; and the people are protected in their day of rest, and consequent opportunity of social, political, moral and religious improvement.

JOHN F. DOSTWICK, Chairman.
GEO. H. BLAKE,
J. W. MANDERVILLE,
J. CONNESS.

[Document No. 44.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

GOVERNOR'S MESSAGE

IN ANSWER TO

A RESOLUTION OF THE ASSEMBLY REQUESTING INFORMATION IN RELATION TO WATER LOTS IN THE CITY OF SAN FRANCISCO, SOLD IN 1850.

[GEORGE KERR, STATE PRINTER.



GOVERNOR'S MESSAGE, &C.

EXECUTIVE DEPARTMENT,
Benicia, March 27th, 1853. }

TO THE ASSEMBLY OF CALIFORNIA:

In compliance with a resolution of the Assembly passed on the 15th inst., "requesting the Governor to transmit copies of all papers now on file in his Department in relation to the sale of Beach and Water Lot property in the year 1850, in the city of San Francisco, and also such other information as may be in his possession on the same subject:" I have the honor herewith to transmit the accompanying papers, marked alphabetically from A to K, inclusive.

The communications marked A and B exhibit the number of water lots sold by order of the Ayuntamiento of San Francisco, and purchased by members and officers of the same, on the 3d day of January, 1850, after the organization of the State Government in California.

The number of such lots sold to other parties is not stated.

The seventy-six water lots sold as per schedules A and B brought one hundred and fifty-nine thousand six hundred and fifty dollars.

This water lot property was all sold by order of the Ayuntamiento of San Francisco, without the authority of Congress or of the State Legislature.—
(*See Schedule L.*)

SCHEDULE C.

Communication of the Prefect, addressed to the Ayuntamiento of San Francisco.

SCHEDULES D & E.

Communications of the Prefect addressed to Governor Burnett in relation to land sales in San Francisco.

SCHEDULE F.

Instructions of Governor Burnett to the Prefect.

SCHEDULE G.

Order of Governor Burnett suspending further sales of land or lots in San Francisco.

SCHEDULE H.

Proclamation of the Prefect issued in pursuance of the order of the Governor.

SCHEDULE I.

Proceedings of the Ayuntamiento of San Francisco, after the issuance of the Governor's order suspending further sales.

SCHEDULE J.

Opinion of Hon. E. J. C. Kewen, Attorney General of the State of California.

SCHEDULE K.

Letter from Attorney General Kewen to Gov. Burnett, announcing that the sale ordered to take place on the first Monday in March, 1850, had been indefinitely postponed.

The above comprise all the papers now on file in this Department having reference to the sale of water lot property in San Francisco in 1850.

In reply to the second branch of the resolution, requiring "such other information as may be in my possession on the same subject," I have the honor to state, that the water property described in schedule L. was sold after the organization of the State government in California, and long after the right of sovereignty over the same had passed from the Mexican republic to the United States. Attorney General Kewen, in his communication to Governor Burnett, dated at San Francisco, March 8, 1850, (see schedule J,) says:—

"At the ratification of the Treaty of Peace, at Queratero, the sovereignty over the soil of California was transferred from the government of Mexico to that of the United States, and consequently, although the existing

laws at the time of the conquest, are allowed to remain in full force so far as they are necessary for the purposes of civil government, there can be no power under the Mexican law authorizing the alienation of American soil. The ratification of the treaty brings with it an exchange of sovereignty, and the soil therefore remaining ungranted by virtue of existing law up to that time, must be subject to the action of Congress; and in the absence of any Congressional law authorizing its alienation, all sales made subsequent to that period must of necessity be invalid."

It is therefore maintained, that the moment the right of sovereignty vested in the United States, they took upon themselves the trust to hold the municipal eminent domain for such new States as might be organized within the acquired territory, and to invest them with it when admitted into the Union, to the same extent in all respects, as the other States of the Confederacy; and, that on the 3d day of January, 1850, the property in question was under the control of the constitution and laws of the United States. "The constitution declares, that 'Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States.' No public property can therefore be disposed of without authority of law, either by an express act of Congress for that purpose, or by giving the authority to some department of the government." (see Paine's C. C. Reports, vol. 1, page 640.)

On the 3d day of January, 1850, "the shores of all navigable waters, and the soil under them," as well as all public lands in California, were under the control of the United States, and could not be set apart, appropriated or disposed of, for any purpose whatever, without the consent of Congress. And the fact that the laws of the Mexican republic had not been abrogated by the Legislature of California at the time of the sale, and that the authorities of San Francisco were acting under them, does not alter the case, because the principle is well settled that "every nation acquiring territory by treaty or otherwise, must hold it subject to the constitution and laws of its own government, and not according to those of the government ceding it, or from which it is acquired." (Vat. Law of Nations, book 1, chap. 19, pp. 210, 244 and 245.)

The property in question on the 3d day of January, 1850, was "subject to the constitution and laws of the United States," and not to the laws of Mexico.

After the admission of California into the Union, the exclusive right to dispose of the lands "below usual high water mark," passed to the State. The Supreme Court of the United States at its January term, in the year 1845, decided that "the power of Congress over navigation, and its power to make all needful rules and regulations for the sale and disposition of the public lands, conferred no power to grant land in any State admitted into the Union, which was below high water mark; that the shores of all navigable waters, and the soil under them, were not granted by the constitution, but were reserved by the States respectively, and that the new States have the same rights, sovereignty and jurisdiction, as the original States."

The framers of the Water Lot Act of March 26th, 1851, certainly regarded all the sales made after the ratification of the treaty and before the admission of the State into the Union as illegal, or the provision legalizing

and confirming all sales of this description of property made by the authorities of San Francisco prior to the 3d day of April, 1850, would not have been incorporated in the Act.

The second section of the Water Lot Act passed on the 26th day of March, 1851, it will be seen, grants to the city of San Francisco for the term of ninety-nine years all the land described in the first section, except the portion described as having been sold or granted by the different authorities therein named, before the 3d day of April, 1850, which portion is confirmed to individual purchasers or grantees.

But the *Proviso* to the same section requires "the city of San Francisco to pay into the State Treasury twenty-five per cent. of all moneys hereafter arising in any way from the sale or other disposition of the property described in the first section of this Act."

The requirement of the proviso to pay into the State Treasury twenty-five per cent. of all moneys arising in any way from the sale or other disposition of the property described has not been complied with, though it is well understood that nearly all the property granted has been disposed of, and most of it sold to satisfy judgments obtained against the city of San Francisco.

In the consideration of this important question, it should not be forgotten that a large portion of this property was sold and granted after the sovereignty over the same had passed from the Government of Mexico to that of the United States, and that neither the General Government nor the State of California have realized one cent from the sales or grants then made; that after her admission into the Union, this description of property belonged exclusively to the State of California, and that by the Water Lot Act of March 26, 1851, she granted with a liberal hand to the city of San Francisco. And now when her Treasury is empty—when her credit is greatly depreciated—when a debt of nearly three millions of dollars has accumulated, and her people are burthened with onerous taxation, she claims the right to demand and appropriate to her own use the portion reserved, and such additional amount, as may be necessary to liquidate her indebtedness, and avoid increased taxation on the people.

In view of these facts and the existing condition of the finances of the State, it is believed to be the duty of her agents at once to adopt measures which will secure all the rights of the State in the premises.

Having, as I believe, complied with the requirements of the Resolution of the Assembly, I commend the whole subject to your careful examination and consideration.

JOHN BIGLER.

LIST OF LOTS

SOLD IN THE

CITY OF SAN FRANCISCO,

AND PURCHASED BY

MEMBERS OF THE TOWN COUNCIL.

REPORT

Of the HON. HORACE HAWES, Prefect of San Francisco, of purchases of Town and Water Lots made at Auction Sales, by members of the Ayuntamiento, Secretary, and Auctioneer, as ascertained by me from returns made by George Tyler, Auctioneer, and now on file in the Alcalde's and Secretary's offices, done in pursuance of your commission, dated this day.

Nos.	Varas.	Purchasers.	Price.
1,288	50	S. Brannan, - - - -	\$700
1,289	"	do	630
1,383	"	do	525
1,381	"	do	580
1,317	"	do	355
1,224	"	do	425
1,225	"	do	375
1,371	"	do	375
260	"	do	525
242	"	do	725
1,015	"	do	225
986	"	do	200
961	"	do	255
963	"	do	335
959	"	do	250
199	100	do	2,600
226	"	do	675
462	$\frac{1}{3}$ of 50	do	4,400
468	"	do	2,600
647	"	do	850
649	"	do	450
652	"	do	600
653	"	do	600
654	"	do	750
655	"	do	800
744	"	do	300
747	"	do	270

TOWN AND WATER LOT PURCHASES—Continued.

Nos.	Varas.	Purchasers.	Price.
748	$\frac{1}{3}$ of 50	S. Brannan, - - - -	\$325
753	"	do	300
754	"	do	385
220	"	Osborn & Brannan, - -	4,200
221	"	do	3,000
222	"	do	2,900
229	"	do	2,500
230	"	do	2,800
231	"	do	4,600
545	"	do	1,750
546	"	do	1,100
547	"	do	2,100
548	"	do	1,100
549	"	do	1,100
550	"	do	2,500
551	"	do	2,300
552	"	do	2,200
1,359	50	J. W. Osborn, - - - -	135
257	100	do	535
211	"	do	290
270	"	do	420
251	"	do	400
233	"	do	405
259	"	do	420
216	"	do	510
204	"	do	510
278	$\frac{1}{3}$ of 50	do	2,800
280	"	do	2,300
281	"	do	2,800
282	"	do	4,700
1,353	50	Frank Turk, - - - -	230
1,385	"	Foster & H. L. Dodge, - -	485
1,382	"	do	560
1,262	"	W. H. Davis, - - - -	175
1,166	"	do	130
1,008	"	G. B. Post, - - - -	220
996	"	do	315
1,002	"	do	210
983	"	do	160
1,058	"	do	220
277	100	do	480
256	"	W. H. Davis, - - - -	520
278	"	Geo. E. Tyler, - - - -	525
1,005	50	do	220
982	"	do	210

TOWN AND WATER LOT PURCHASES—Continued.

Nos.	Varas.	Purchasers.	Price.
231	$\frac{1}{3}$ of 50	T. H. Green, - - -	\$3 400
241	"	do	2,100
242	"	do	2,400
243	"	do	5,100
259	"	do	4,100
290	"	do	3,000
291	"	do	7,500
485	"	do	1,300
484	"	do	1,200
486	"	do	4,100
490	"	do	1,200
491	"	do	1,100
492	"	do	2,100
994	50	H. L. Dodge, - - -	345
493	$\frac{1}{3}$ of 50	T. H. Green, - - -	3,100
494	"	do	2,000
495	"	do	2,200
496	"	do	2,300
497	"	do	2,700
498	"	do	3,000
577	"	do	900
578	"	do	1,500
579	"	do	1,600
580	"	do	1,300
581	"	do	1,000
582	"	do	1,300
583	"	do	1,100
584	"	do	1,900
585	"	do	1,100
586	"	do	1,800
587	"	do	1,700
588	"	do	1,300
589	"	do	2,400
590	"	do	2,450
435	"	R. M. Price, - - -	2,200
436	"	do	2,100
437	"	do	1,700
438	"	do	1,900
439	"	do	1,900
440	"	do	2,600
441	"	do	4,300
763	"	do	120
758	"	do	300
765	"	do	1,100
766	"	do	1,800
232	"	T. H. Green, - - -	4,700

The terms of above sales were, cash for those of the 19th and 28th of November, and 10th of December, 1849; and one-fourth cash, one-fourth in three months, one fourth in six months, and one-fourth in nine months, for that of 3d January, 1850.

Mr. F. Turk, whose name appears in this report, is 2d Alcalde, and ex-officio a member of the Ayuntamiento.

Mr. H. L. Dodge, whose name also appears, is Secretary to the board.

Mr. George E. Tyler, whose name also appears, was the Auctioneer.

Mr. J. W. Osborn, whose name also appears, is a business partner of S. Brannan, who is a member of the Ayuntamiento.

The wharf for which an appropriation of \$200,000 was made, is to be constructed on the line of California street to its junction with Market street, thence along the line of Market street to the ship channel.

The wharf for which an appropriation of \$100,000 was made, is to be constructed along the line of Market street, from the intersection of Market and First streets to the intersection of Market and California streets, and to connect with the California street wharf at that point.

Of the water lots sold, 468, purchased by S. Brannan, is on the line of California street; 220, by Osborn & Brannan, is on the same street; 546, 547, 551, 552, 577, 578, 579, 580, 581, 582, 585, 583, 584, 586, 587, 588, 589 and 590, by Osborn & Brannan, are on the line of Market street; 289, 290, 291, by T. H. Green, are on the line of the same street; 232, 243, 492, by T. H. Green, are on the line of California street; 278, 280, 281, 282, by J. W. Osborn, are on the line of Market street. 256, town lot, by W. H. Davis, is on California street.

S. R. POND.

San Francisco, 6th March, 1850.

[B.]

LETTER FROM HORACE HAWES, PREFECT TO THE
AYUNTAMIENTO OF SAN FRANCISCO, MARCH 15,
1850.

PREFECTURE OF SAN FRANCISCO, }
March 15, 1850. }

TO THE AYUNTAMIENTO OF SAN FRANCISCO:

Gentlemen:—I have learned, by examination made by my direction, that at several auction sales of Municipal lands situated within the town of San Francisco, made by order of the Ayuntamiento, a large number of lots were purchased by members of that body, and several by their Secretary, the Auctioneer, and one of the Alcaldes, and by business partners of members. I give below a list for your information, including the number of the lot, the date of the sale, and name of the purchaser.

DATE OF SALE.	NUMBER OF LOT.	PURCHASED BY.
November 19, 1849,	1,288	S. Brannan.
"	1,289	do
"	1,383	do
"	1,381	do
"	1,317	do
"	1,371	do
"	1,224	do
"	1,225	do
"	260	do
"	242	do
" 28,	1,015	do
"	986	do
"	961	do
"	963	do
"	959	do
"	199	do
"	226	do

SALE OF LOTS—Continued.

DATE OF SALE.	NUMBER OF LOT.	PURCHASED BY.
January 3, 1850,	462 Water Lot,	S. Brannan,
"	468 do	do
"	647 do	do
"	649 do	do
"	652 do	do
"	653 do	do
"	654 do	do
"	655 do	do
"	744 do	do
"	747 do	do
"	748 do	do
"	753 do	do
"	754 do	do
November 19, 1849,	1,359	J. W. Osborn, business partner S.
" 28,	257	do [Brannan,
December 10,	211	do
"	270	do
"	251	do
"	233	do
"	239	do
"	216	do
"	204	do
January 3, 1850,	278 Water Lot,	do
"	280 do	do
"	281 do	do
"	282 do	do
"	220 do	Osborn & Brannan,
"	221 do	do
"	222 do	do
"	229 do	do
"	230 do	do
"	231 do	do
"	545 do	do
"	546 do	do
"	547 do	do
"	548 do	do
"	549 do	do
"	550 do	do
"	551 do	do
"	552 do	do
November 19, 1849,	1,353	F. Turk, Alcalde.
" 28,	994	H. L. Dodge, Sec. Ayuntamiento.
" 19,	1,385	Foster and H. L. Dodge.

SALE OF LOTS—Continued.

DATE OF SALE.	NUMBER OF LOT.	PURCHASED BY.
November 19, 1849,	1,382	Foster and H. L. Dodge.
" 28,	1,262	W. H. Davis,
"	1,166	do
"	256	do
"	1,008	G. B. Post,
"	1,002	do
"	983	do
"	1,058	do
"	277	do
"	996	do
"	278	George E. Tyler, Auctioneer,
"	1,005	do
"	982	do
January 3, 1850,	234 Water Lot,	T. H. Green,
"	241 do	do
"	242 do	do
"	243 do	do
"	289 do	do
"	290 do	do
"	291 do	do
"	481 do	do
"	485 do	do
"	486 do	do
"	490 do	do
"	491 do	do
"	492 do	do
"	493 do	do
"	494 do	do
"	498 do	do
"	495 do	do
"	496 do	do
"	497 do	do
"	577 do	do
"	578 do	do
"	579 do	do
"	580 do	do
"	581 do	do
"	582 do	do
"	583 do	do
"	584 do	do
"	585 do	do
"	586 do	do
"	587 do	do

SALE OF LOTS—Continued.

DATE OF SALE.	NUMBER OF LOT.	PURCHASED BY.
Jan. 3, 1850, .	588 Water Lot,	T. H. Green,
"	589 do	do
"	590 do	do
"	232 do	do
"	435 do	R. M. Price.
"	436 do	do
"	437 do	do
"	438 do	do
"	439 do	do
"	440 do	do
"	441 do	do
"	763 do	do
"	758 do	do
"	766 do	do
"	766 do	do

The existing law of this country contains the most minute regulations respecting the management of municipal property, and the powers of the Ayuntamiento with respect to it. These regulations strictly prohibit any member of the corporation, whether Alcalde, Rigedor, Sindico or Secretary, from purchasing, renting, or being directly or indirectly concerned or interested in the purchase or renting any part of the lands in the pueblo in which they officiate. This principle of the existing law, so necessary to secure the fidelity and impartiality of these officers in the administration of municipal affairs, was introduced into the Spanish ordinances for the government of pueblos three hundred and fifty years ago, and has been preserved during all the changes and modifications which those ordinances have undergone in the Mexican Republic. By the rules of the Common Law, also, as it is recognised in the United States, it is believed that the same principle would hold good and be rigidly enforced by a court of equity acting under it. The reason of the rule is obvious. A man cannot be the seller and buyer of property at the same time. Those who are entrusted with property to sell, or dispose of otherwise, cannot directly, or by the intervention of a third party, transfer it to themselves, or convert it to their own use. It is to take away every temptation to fraud and collusion in the management of property held in trust, that courts are rigid in the enforcement of this most salutary principle, and vigilant in dissecting every artifice that may be adopted to evade it.

Considering the legal disqualification to purchase pueblo lands, especially at auction sales, as extending not only to members of the Ayuntamiento but to those connected with them in business as partners, as well as the auctioneer or agent by whose intervention the sale is effected, I have to inform you that the sales of the lots above specified, and all other sales

made by the Ayuntamiento to any one of their own body since the first of August last, are disapproved and annulled. Expressing at the same time the opinion that the purchasers have no claim in law or equity to recover back that portion, if any, of the purchase money which they may have paid.

From this decision the Ayuntamiento or any party interested will have the right of appeal to the Governor.

It is proper for me to observe, that I have never received any account from the Ayuntamiento of the lands sold by them, or of their receipts and disbursements, and that information of the above mentioned purchases have been procured by me with some difficulty.

[Official.]

HORACE HAWES,
Prefect of San Francisco.

GEO. W. PUNCHARD, Secretary.

[C.]

COMMUNICATION FROM HORACE HAWES TO AYUNTAMIENTO, FEBRUARY 25, 1850.

PREFECTURE OF THE DISTRICT OF SAN FRANCISCO,

February 25, 1850.

To the Honorable Ayuntamiento of San Francisco:

I respectfully request that at the time of presenting your account on the first day of March next, you will communicate to me the following information:

First—How many, and what water and town lots have been sold by the Ayuntamiento since the first of August last, the date of the sale, price paid for each lot, and the name of the purchaser, with the terms of payment.

Second—How many of the said town lots, if any, have been originally purchased by members of the Ayuntamiento, at sales, public or private, ordered by that body.

Third—Whether, by the resolutions ordering the public sale made on the 3d January, or any other public sale of said lots, it was provided that a credit should be given for the purchase money; and if so, whether notice that such credit would be allowed and given to the public, in the printed advertisements of such sale.

Fourth—Whether on the night of the 7th January last, the night preceding the election for members of the Ayuntamiento, several of the old members met and resolved to appropriate \$200,000 for building a wharf at the foot of California street, and if so, who of such members were present at such meeting, and who presided thereat.

Fifth—Whether the water lots adjoining the line of the proposed wharf, were purchased by the same members who made the appropriation, and when.

This information is desired for the information of the government and the people, and has been called for by reason of repeated complaints, and it will be extremely gratifying to me if your reply should prove them groundless.

I have the honor to be, &c.,

HORACE HAWES,

Prefect of San Francisco.

[D.]

COMMUNICATION FROM HON. HORACE HAWES,
FEBRUARY 27, 1850.

PREFECTURE OF THE DISTRICT OF SAN FRANCISCO.

February 27, 1850.

To His Excellency the Governor,

Sir:—I have the honor to enclose herewith, the copy of a communication sent to the Ayuntamiento on Monday evening, in order that your excellency may be informed of the progress of affairs of this district.

I regret to inform your excellency that the Ayuntamiento appear to be determined to break loose from all the checks that the law has established, and to set the superior authorities at defiance. It will be perceived from the enclosed copy of a letter from their Secretary, and the printed handbill which was sent me, accompanying it, that they intend to proceed with the sale of municipal lands, and the probability is that no account will be rendered by them on the first of March. This state of things is exciting a high state of alarm with the public, who have sought in vain to know what has become of the immense sums of money that have already been raised, and now see that all that remains of the public property of the city, is about to be swallowed up and dissipated as effectively as if it was sunk in the bottom of the sea.

It remains for your excellency to determine what further orders the exigencies require, and be assured they will be promptly carried into execution. I will cheerfully take that responsibility. I ought here to allude to the fact that the leading and most conspicuous actors in the council, have resigned their places and left the country, or are about to do so.

Feeling assured that your excellency is determined to see the laws faithfully executed, and insist upon political purity in the administration of affairs, I am endeavoring to develop all the material facts respecting the official conduct of the council and some other public functionaries here. I shall succeed, Governor, if sustained—I shall succeed, and your excellency and the public will be amazed at the result.

The importance of the dispatches I have to forward, has induced me to employ a special messenger to convey them.

I have the honor to be, with high considerations of respect,

Your Excellency's obedient servant,

HORACE HAWES,

Prefect.

[E.]

COMMUNICATION FROM HORACE HAWES,
MARCH 1, 1850.

PREFECTURE OF THE DISTRICT OF SAN FRANCISCO,

March 1st, 1850.

To His Excellency, the Governor of California,

Sir:—Referring your excellency to my respects of the 27th ultimo, it now becomes my duty to advise you that the apprehensions have been realized, which I then entertained, that the Ayuntamiento of San Francisco would fail to render their accounts as required on this day, and that they would persevere in their disregard of the order of your excellency, suspending the further sales of municipal lands. Up to this late hour, 11 o'clock, p. m., no statement of accounts has been rendered to this Prefecture; and to-day, the "Catalogue of the sale of lots in the city of San Francisco," a copy of which I have the honor herewith to enclose, has been circulated through the town.

Your excellency will therefore perceive that an issue is clearly presented between the Ayuntamiento of San Francisco and constituted executive authorities of the State. The question to be decided before this community, and before the people of the State, is whether the arbitrary will of the members of the town council or the laws of the land, supported by the executive authorities, shall be the rule in the administration of public affairs.

I shall therefore feel extremely obliged by your excellency's definite instructions for my governance in this crisis. On the presumption that your excellency will be resolved to maintain the position in regard to the sale of municipal lands, taken in the executive proclamation of the 15th ultimo, I have the honor to suggest the necessity of my being furnished with instructions in that regard, at an early hour on Monday next.

I may be permitted to say that I have good reason to believe, that the very general sentiment of the citizens of San Francisco accords with the views of your excellency, respecting the further sale of town lots. It seems to be the very general opinion, that while so large a quantity of lands already sold remain unoccupied, there is no necessity for the public convenience of bringing more into the market, and that in the present depressed state of monetary affairs, a forced sale would be attended with

immense sacrifice of present and future values to the town. There is furthermore, a great anxiety in the community to know how the proceeds of sales already effected, have been or are being disposed of, before any further realizations shall pass into the same hands.

If in view of the facts and circumstances of the case, it shall appear to your excellency that the 8th article of section 1st of the Mexican Laws, is an applicable rule of duty, I have the honor to invite your attention to the 3d and 6th articles of section 7th. as providing a mode of substitution that would be legal, and would be likely to afford satisfaction. I would have the greatest care used in the nominations of Justices of the Peace, on such an occasion for them, of men of the best qualifications and standing, so as to secure public confidence in a new custody of the municipal interests.

With the best considerations,

I have the honor to be,

Your Excellency's most ob't servant,

HORACE HAWES,

Prefect.

[F.]

COMMUNICATION FROM GOVERNOR P. H. BURNETT,
TO H. HAWES, PREFECT OF SAN FRANCISCO,
MARCH 4, 1850.

SAN JOSE, March 4, 1850.

HORACE HAWES, Esq., Prefect of the District of San Francisco :

Dear Sir :—Your official communication under date of 2d inst. was received in due time. I have directed the Attorney General of the State to aid you and the Sub-Prefect in an examination of the law for the following purposes :

First.—To file a bill in Chancery against the Ayuntamiento for such accounts as the law requires them to make out and transmit to the Sub-Prefect.

Second.—To file a bill in Chancery to restrain the Town Council from completing the sales of lots made after the issuing of my order, suspending the sales, and from collecting any of the money due upon obligations given for the purchase of such lots.

Third.—To file a bill in Chancery to set aside all the purchases of town lots made by any member of the Town Council before or since the issuing of my order.

You will consult with the Attorney General and will take the necessary steps that you and he may deem requisite. Having no time nor opportunity to examine authorities I refrain from expressing any positive directions further than the above. My views are stated more fully in the memorandum for the Attorney General. Your proceedings should be as prompt and speedy as possible. I have not, as I conceive, the power to suspend the Ayuntamiento unless by the consent of the Legislature. See 9th division of Article 1st, Section 1st. Before the Legislature could act, the evil would be passed a full remedy. I may however lay the matter before them.

In the meantime leave no legal and fair means untried to bring the Ayuntamiento to discharge their duty as the law requires.

I have the honor to be,

Your ob't servant,

PETER H. BURNETT.

[G.]

PROCLAMATION OF GOVERNOR P. H. BURNETT, SUS-
PENDING SALES OF MUNICIPAL LANDS, ETC., FEB-
RUARY 15, 1850.

[COPY.]

WHEREAS it hath been represented to the undersigned that a large sum of money has been raised by the municipal lands in the city of San Francisco, a sum more than sufficient for all the wants of the city government, and that no further sale of said municipal lands is demanded, either for the purposes of revenue or for the settlement and improvement of the city. Now, therefore, I, Peter H. Burnett, Governor of the State of California, in the name and by the authority of the people of said State, do order and declare, that no further sales of the municipal lands of said city shall be made until the further order of the Executive, or until the Legislature shall pass some Act in reference to said lands.

Given under my hand at San Jose, the fifteenth day of February, in the year of our Lord eighteen hundred and fifty, and of the Independence of the United States the seventh-fourth.

PETER H. BURNETT.

[H.]

PROCLAMATION OF HORACE HAWES, MARCH 30,
1850.

PROCLAMATION:

All further sales of the municipal lands of the town of San Francisco are suspended for the present, and the public are hereby warned against purchasing at the sale advertised to take place by order of the Ayuntamiento on Friday, March 15, or paying any money on account of them. The said sale is unauthorized, and under it the purchaser will acquire no title. The Governor, in the exercise of the power conferred upon him by law, by an order of the 15th of February, 1850, duly communicated to all the authorities of the district and published, has suspended for the present all further sales of the municipal lands of San Francisco. That order is still in full force. It was necessary to save to the city a small remnant of the public property, the greater part of which has been disposed of by the Ayuntamiento in less than six months, without rendering any account of the proceeds. I give no intimation respecting the validity of former sales, especially when members of the Ayuntamiento were both the sellers and the buyers, any further than to express my unequivocal disapproval of the latter. But it is my imperative duty to warn the public to give no countenance to a proceeding not only ill-advised and illegal, but carried on in open defiance of the constituted authorities of the State. Those who buy them will buy with their eyes open, and with the admonition that they can acquire nothing by their purchase.

Given under my hand at the Prefecture of San Francisco, this thirtieth day of March, A. D., 1850.

[Official.]

HORACE HAWES,
Prefect of the District of San Francisco.

GEO. W. PUNCHARD, Secretary.

[I.]

COMMUNICATION FROM H. L. DODGE TO HON. H.
HAWES, FEBRUARY 26, 1850.

SAN FRANCISCO, February 26, 1850.

SIR:—

I am unable at this time to give you the entire proceedings of the Council of last evening, not having had time to make them up complete. I will do so as soon as practicable.

The Resolution you refer to was adopted *viva voce*, therefore I am unable to give you the ayes and noes.

The Resolution was adopted as follows:

On motion of Mr. Ellis—

Resolved, That the sale of town lots advertised to take place on the first Monday of March next, take place on that day.

I have the honor to be, Sir,

Your ob't servant,

H. L. DODGE,
Secretary.

To H. HAWES Esq.,
Prefect of San Francisco.

[J.]

COMMUNICATION FROM E. J. C. KEWEN,
MARCH 8, 1850.

SAN FRANCISCO, March 8, 1850.

Honorable Peter H. Burnett,

Sir :—Since I have been here, I have given much and intense thought in relation to the powers and authority of the Ayuntamiento, and as to the proper mode of reaching that body, with a view of having defined the limitation of such power and authority. The more I have examined the matter, the more I am convinced that the plan of proceeding, as first proposed, would fail of the object we seek. Has the following idea ever suggested itself to your mind? At the ratification of the treaty of peace at Queretaro, the sovereignty over the soil of California was transferred from the government of Mexico to that of the United States, and consequently, although the existing laws at the time of the conquest are allowed to remain in full force, so far as they are necessary for the purposes of civil government, there can be no power under the Mexican law authorizing the alienation of American soil. The ratification of the treaty brings with it an exchange of sovereignty, and the soil, therefore, remaining ungranted by virtue of existing law, up to that time, must be subject to the action of Congress, and in the absence of any congressional law authorizing its alienation, all sales made subsequent to that period must of necessity be invalid. Even granting (which I do not) the authority which they claim under the Mexican law, as having existed to the unlimited extent they exercise, is it legitimate to exercise it upon a soil which has been transferred, and in the very nature of that transfer, liable to the operation of different laws, to the exclusion of all other interference? I think not. In this case would it not be better to issue a *quo warranto*, citing them to show upon what authority they assume the extraordinary functions they exercise? It strikes me that this would be the easiest and quickest method of arriving at the points in the case. They must show a good right to their office, which they cannot do, and they must show a clear and undoubted authority for the exercise of the powers we contend they have usurped.

Excuse this abrupt termination. I am suddenly taken ill and cannot proceed.

Yours, &c.,

E. J. C. KEWEN,

[K.]

COMMUNICATION FROM E. J. C. KEWEN,
MARCH 15, 1850.

SAN FRANCISCO, March 15, 1850.

Honorable Peter H. Burnett,

Dear Sir:—The enemy have fled, and we are sole occupants of the field. The sale is indefinitely postponed. I advised Hawes to exert the authority of his office to the utmost extent that law would justify, and in the event of failing to accomplish the desired end, I should have proceeded without further delay upon a writ of *quo warranto*. They are evidently fearful of any action that will cause an investigation into the extent of their authority, and catching some hint of ulterior proceedings in contemplation, in case of disobedience to executive behests, they have exposed the character of the beast that paraded so ostentatiously in the lion's skin. They will now so soon be superseded, and an investigation of their official conduct had by the competent authorities of the town and district, that I scarcely deem it advisable to take measures against them at present.

I appeared, &c. * * *

Yours, respectfully,

E. J. C. KEWEN.

[L.]

LIST OF WATER LOTS, WITH PRICES.

List of WATER LOTS sold January 3, 1850; exhibiting the number and price paid for each.

No.	No. of Lot.	Price.	No.	No. of Lot.	Price.
1	462	\$4,400	33	241	\$2,100
2	468	2,600	34	242	2,400
3	647	850	35	243	5,100
4	649	450	36	288	4,100
5	652	600	37	290	3,000
6	653	600	38	291	7,500
7	654	750	39	484	1,200
8	655	800	40	485	1,300
9	744	300	41	486	4,100
10	747	270	42	490	1,200
11	748	325	43	491	1,100
12	753	300	44	492	2,100
13	754	385	45	493	3,100
14	278	2,800	46	494	2,000
15	280	2,300	47	498	3,000
16	281	2,800	48	495	2,200
17	282	4,700	49	496	2,300
18	220	4,200	50	497	2,700
19	221	3,000	51	577	900
20	222	2,900	52	578	1,500
21	229	2,500	53	579	1,600
22	230	2,800	54	580	1,300
23	231	4,600	55	581	1,000
24	545	1,750	56	582	1,300
25	546	1,100	57	583	1,100
26	547	2,100	58	584	1,900
27	548	1,100	59	585	1,100
28	549	1,100	60	586	1,800
29	550	2,500	61	587	1,700
30	551	2,300	62	588	1,300
31	552	2,200	63	589	2,400
32	234	3,400	64	590	2,450

[Document No. 45.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

R E P O R T

OF THE

COMMITTEE ON CLAIMS.

[GEORGE KERR, STATE PRINTER.]

R E P O R T
OF THE
COMMITTEE ON CLAIMS.

The Committee on Claims, to whom was referred a bill "for the Relief of Wm. Waldo," have maturely considered the same, and beg leave to report—

That they find that Capt. William Waldo had charge of a Relief Expedition, the object of which was to relieve the suffering immigrants crossing the Plains in the Fall of 1850.

Your committee find that immense suffering characterized the trip across the Plains that season. Death, by reason of disease and famine, was common among the immigrants,—that their suffering condition stands unparalleled in the history of the settlement of this State.

Capt. Waldo, after having donated a large amount—to wit, \$1000—to constitute a Relief Fund, upon the earnest solicitation of those who knew his energy and perseverance, devoted his time to distribute the necessaries of life so charitably contributed by the citizens of the cities of San Francisco, Sacramento, Marysville, and other cities of this State. He proceeded to the scene of suffering on the Truckee, the Desert, and the Sink of Humboldt River, and dispensed there necessaries of life to those who were dying of hunger, refusing to receive any compensation from the immigrants for such relief. The supplies furnished Capt. Waldo being insufficient to relieve the suffering of the immigrants, and the suffering around him being so great the necessity of additional supplies being essentially necessary to save life, Capt. Waldo furnished them of his own funds, and still remained on the fields of suffering, dispensing aid and comfort to the distressed, and returned to the settlements only after all the immigrants had crossed the Sierra Nevada mountains, and until it had become dangerous to remain beyond the moun-

tains for fear of being caught by the snows of the Sierras and share the fate that befel the Donner party in a previous year.

Your committee are satisfied that numbers of lives of men, women and children were saved by the charity and energy of Capt. Waldo. That in consequence of these acts of benevolence towards this immigration who are now citizens of our State, Capt. Waldo has been reduced from wealth to poverty. The committee believe, from all the evidence that they have been able to obtain, that the State of California should assume and pay this debt, which will in part repay Capt. Waldo the amount he has so nobly expended in behalf of suffering humanity, and in aiding our citizens to overcome the difficulties that beset them in reaching our State. We therefore recommend the passage of the bill.

CRENSHAW, Chairman. .



[Document No. 46.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

S E L E C T C O M M I T T E E .

[GEORGE KERR, STATE PRINTER.

REPRINT JUL 18 1890

REPORT
OF THE
SELECT COMMITTEE.

The Select Committee, to whom was referred the petitions asking for the passage of a law which will embrace the essential principles of the Maine Liquor Law, beg leave to report—

That they have bestowed upon this important subject the most serious attention, impelled to do so, not only by the intrinsic importance of the subject presented, the full force of which is felt by this committee, but also by the fact that the call is made upon us, not merely by bearded men, many of whom are perhaps *too weak* to err, but by the fair and gentle women of our State, who, as sisters, wives and mothers, we have to rely upon, as the only safeguards against social anarchy. They are and always have been the innocent sufferers from the consequences of the vice of intemperance,—a vice which is the fruitful mother of all vices. However we might be disposed to treat with an antagonistic spirit the petitions of those whom we may suspect as advancing their precepts and their views in the spirit of the Pharisee rather than that of the Christian,—the soft voice of woman, raised as it is in support of Religion and Virtue, in support of society and law, and in support of the happiness and prosperity of individuals, families, and the State, we would not venture to disregard.

The evils of intemperance, against which the proposed law is aimed, are too well understood by every member of this body, to admit of discussion. It is the damning and desolating evil of the age ; and here, in this, the fairest and youngest State of the Confederacy, with soil and climate, resources and position, which demand of the future a great destiny, that destiny is most obscured by the almost universal prevalence of this evil, which is weakening the hands of labor, impairing the spirit of enterprise, and sapping the physical and intellectual energies of the State.

We do not believe in restraining individual liberty any further than is necessary for the well being of the State, but all law is a restriction upon

individual liberty, and regarding the general welfare and health of the State, no law is more imperatively required than one that will tend to suppress the evils of intemperance.

Entertaining this opinion, we have the honor to report back to the House "An Act for the suppression of drinking houses and tippling shops," and to recommend its passage.

A. G. McCANDLESS, Chairman.
CHAS. FAIRFAX.

[Document No. 47.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

TESTIMONY

IN

CONTESTED CASE

OF

H. W. CARPENTIER, &c. &c.

[GEORGE KERR, STATE PRINTER.



TESTIMONY

IN

CONTESTED CASE OF H. W. CARPENTIER, &c.

COUNTY OF CONTRA COSTA, }
State of California. } ss.

Horace W. Carpentier being duly sworn, says: That at the special election held in the County of Contra Costa on the 26th day of March, 1853, for the election of a Member of Assembly for said county, this deponent was a candidate for said office; that to this deponent's own knowledge many votes were cast for him, and that as he is informed and believes, he was duly elected to said office by a large majority of all the votes cast at said election, the returns of which are filed with the County Clerk of said Contra Costa County, and are now in his possession; that more than ten days have expired since the day of said election, and that as he is informed and believes, the returns of said election have not yet been canvassed, nor any certificate issued to the person elected thereat.

H. W. CARPENTIER.

Sworn and subscribed before me, this April 7th, 1853.

S. H. ROBINSON,

Notary Public, Contra Costa Co.

THOMAS A. BROWN, Esq.,
County Clerk of Contra Costa County,

Sir:—Notice is hereby given that you are required to cause the returns of the special election holden March 26, 1853, for Member of Assembly for Contra Costa County, to be canvassed, and a certificate to be issued forthwith to me, if entitled thereto, according to law, and for a refusal to do so you will be held responsible in damages and otherwise according to law.

Respectfully, &c.,

HORACE W. CARPENTIER.

I do hereby certify, that the Board of Supervisors for Contra Costa County met at the County Seat thereof in a regular adjourned meeting on the 7th day of April, 1853; present, Wm. Patten, chairman of the board, Samuel H. Robinson, and Charles P. Crangle, supervisors, and Thomas A. Brown, clerk; and that said Board, after organizing, did demand from the County Clerk of said county the returns of the election holden March 26th, 1853, for Member of the Assembly for said county, for the purpose of canvassing the same, but that the said Clerk then refused and still refuses to deliver to the said Board the returns of the said election as aforesaid, or to permit them to canvass the same.

WILLIAM PATTEN,

Chairman Board Supervisors.

Martinez, March 7th, 1853.

William Patten, Samuel H. Robinson, and Charles P. Crangle, being duly sworn, say: That they were elected Supervisors of Contra Costa County at the last general election, and duly qualified; that they have acted ever since and continue still to act as such officers: that the allegations and statements set forth in the foregoing certificates are to the best of their knowledge and belief true. The said deponents further say, that to the best of their information and belief, Horace W. Carpentier was duly elected at the special election held March 26th, 1853, Member of Assembly for Contra Costa County, by a majority of votes over the highest opposing candidate, and that the same would appear from the returns of said election duly filed in the office of the County Clerk of said county.

WILLIAM PATTEN,
S. H. ROBINSON,
CHAS. P. CRANGLE.

Sworn and subscribed by William Patten, S. H. Robinson, and Charles P. Crangle, this April 8th, 1853, before me,

H. W. CARPENTIER,

Notary Public.

[Document No. 48.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

TESTIMONY

IN

CONTESTED CASE

OF

H. W. CARPENTIER.

[GEORGE KERR, STATE PRINTER.]



TESTIMONY IN CONTESTED CASE OF

H. W. CARPENTIER.

In the Court of Sessions of Contra Costa county, present Hon. F. W. Warmeczte, County Judge, A. R. Mallery and J. H. Leveystein, Justices, the 2d day of April, 1853.

It appearing to the satisfaction of the Court that in the organization of the county of Alameda from the county of Contra Costa and Santa Clara, that the office of Supervisor of the county of Contra Costa, now holden by Lemuel H. Robinson and William Patten, are vacant in consequence of the said Robinson and Patten being residents of the said county of Alameda.

It is thereupon ordered and adjudged by the Court that S. A. Bishop, of Monte Diablo Valley, Contra Costa county, be appointed Supervisor of the county, to supply the vacancy occasioned by the non-residence of L. H. Robinson.

It is ordered by the Court that Lemuel Russell, of San Ramon, Contra Costa county, be appointed Supervisor of the county, to supply the vacuum occasioned by the non-residence of William Patten.

I, Thos. A. Brown, Clerk of the Court of Sessions of said county, do certify that the foregoing is a correct copy of an order or judgment entered on the records of said court.

Witness my hand and seal, 7th April, 1853.

THOMAS A. BROWN,

Clerk Court of Sessions.

On the day of the last election in Contra Costa county, to fill the seat vacated by Carpentier, the undersigned was a passenger on the Ferry Boat from San Francisco to Oakland; on the way over, I became a little acquainted with a man by the name of Gilman, who promised to settle for thirty-seven passengers. I asked him what he was going to do with so many men, he told me they were hands that he was taking over to work on his bridge, or ranch. I saw several of these men around the place when

the votes were received, and am very certain some voted, if not all, on the day of the election; some of them swore in their votes. In the afternoon, I returned to San Francisco in the same Ferry Boat. On my way over, some of my acquaintances requested me to take a seat and play a game of cards, which I did. About half way, several of these men, somewhat the worse for liquor, came up to me; one of them slapped me on the shoulders, saying,—Sir, we would like to have you settle with us, as we are nearly over. I asked them,—Settle for what? they said settle for going over to vote. They said their bill was \$5 each. I then asked them who they voted for, they said Carpentier. I then told them that I was a Thompson man, and wanted them to vote for Thompson; they said I bargained with them, to vote for Carpentier, in San Francisco, and they did so, and now wanted their pay as agreed. I told them they were mistaken in the man that hired them to go over and vote. Two or three of them then spoke up rather ugly, and said I was the man, and was pointed on board the boat to them as the man, and they knew I was. A good deal was said about it. Several of my friends joined in, and assured them that they were mistaken, and that I was not the man; some of the hands were satisfied that I was not the man. I further understood that one man said he voted seven times that day for Carpentier, and that he said he ought to be paid any way.

J. FORD.

SOLANO COUNTY, }
City of Benicia, }

Personally appeared before me the signer of the foregoing instrument, and known to me to be the person who executed the same, who being sworn, deposeth and saith, that the above statements set forth are true according to the best of his knowledge and belief, on this 8th day of April, A. D. 1853.

The erasures on the first and last page of this affidavit were made before signing.

EDWARD L. STETSON, J. P.

Sworn to before me at Benicia, county of Solano, State of California, this eighth day of April, A. D. 1853.

EDWARD L. STETSON,
Justice of the Peace.
Solano county.

[Document No. 49.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON MILITARY AFFAIRS.

[GEORGE KERR, STATE PRINTER.



REPORT
OF
COMMITTEE ON MILITARY AFFAIRS.

MR. SPEAKER :

Your Committee on Military Affairs, to which was recommitted Assembly Joint Resolution "requiring the Comptroller of State to draw his warrants for five thousand dollars in favor of any person or persons arresting or capturing the robber Joaquin, dead or alive," has considered the same, and a minority beg leave to report: That a desire to prevent the perpetration of outrages and crimes, and to insure the safety of our people in remote and unprotected portions of the State from aggression, as well as the glaring nature and boldness of the atrocities ascribed to this individual, and the failure of all attempts hitherto to capture him, induced them unanimously at first to recommend the adoption of the resolution.

On more mature deliberation, however, it has occurred to a minority of your committee, that the principle involved in offering such reward is not justifiable in equity, nor would it be a safe and effectual mode of remedying the evil which we suffer. To set a price upon the head of any individual who has not been examined and convicted by due process of law, is to proceed upon an assumption of his guilt. The minority of your committee does not think that floating rumor and mere statements of newspapers shall be taken as conclusive evidence either of the commission of crime or of the guilt of one accused. On the contrary, they are confident that the accounts given are somewhat erroneous. Unless the said Joaquin be endowed with supernatural qualities, he could not have been seen at the same time in several places, widely separated from each other. The offer of such reward

would be likely to stimulate cupidity, to magnify fancied resemblance, and dozens of heads similar in some respects to that of Joaquin might be presented for identification.

The magnitude of the reward might tempt unscrupulous and unprincipled men to palm off by purchased evidence, the head of another for that of Joaquin, and thus defraud the State Treasury. Besides, the danger of mistaking the identity of individuals in this country is very common.

During the present session of this Legislature, an individual named Berdeu has presented a memorial for relief, and asked that he might be indemnified for costs incurred in a prosecution wherein he was convicted of an infamous crime, which was afterwards proved to have been committed by another named Stuart who resembled him in personal appearance.

It may not be improper here to remark, that there are citizens of this State, descendants of ancient and honorable families, who bear the name of Joaquin Carrillo, the name by which the individual is known for whose capture this reward is proposed to be offered. The minority of your committee will allude to two who are well known to them. One is a very respectable citizen of the County of Sonoma, and the other is the District Judge of the Second Judicial District, who enjoys a distinguished reputation, and discharges his high and delicate duties with the integrity befitting an honorable and renowned magistrate.

For the reasons set forth, the minority of the committee recommend that the whole matter be indefinitely postponed.

J. M. COVARRUBIAS,

Chairman.

[Document No. 50.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

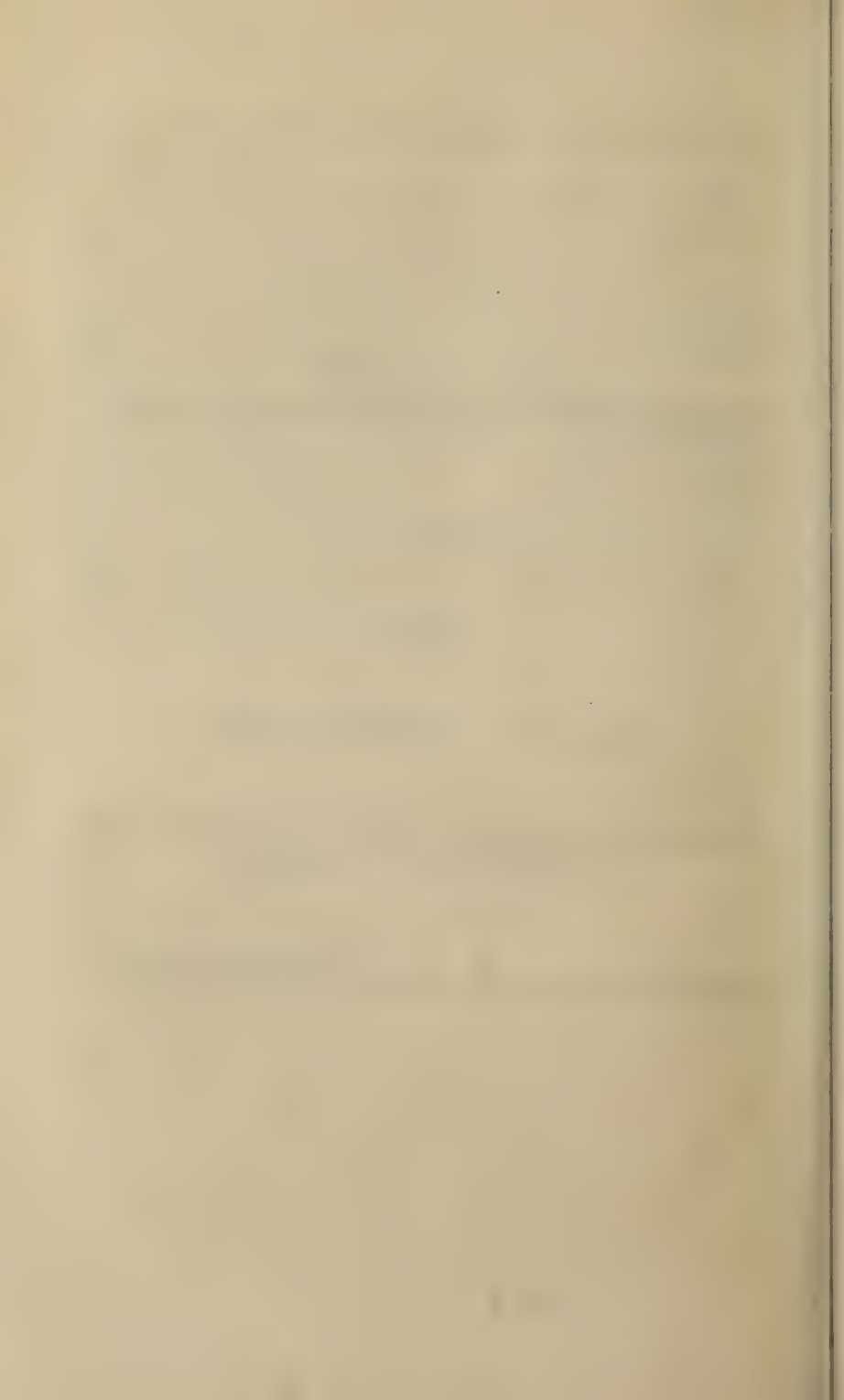
R E P O R T

OF THE

SELECT COMMITTEE

TO WHOM WAS REFERRED A BILL AND PETITION FOR
THE SUPPRESSION OF GAMBLING.

[GEORGE KERR, STATE PRINTER.



R E P O R T

OF THE

SELECT COMMITTEE.

MR. SPEAKER :

The Select Committee, to whom was referred a petition praying for the suppression of Gambling, also a bill to be entitled An Act to suppress Gambling, have had the same under consideration, and have instructed me to make the following report :

That the time has arrived when this monster of evils, which like an eating ulcer is preying on the body politic, should hear its early death knell, seems apparent to your committee. We are influenced from a conviction of duty that this body owes to its constituency,—to the youth of our growing and prosperous State—to mankind and to the world,—to erase from our Statute books all laws legalizing a pursuit, alike destructive of the interests and happiness of all.

The enlightened policy of all Governments,—“and more especially this of ours,”—are at war with its pursuits, and have declared that it is antagonistic with the best interest of society and the well being of man.

Gaming is but the foundation stone of vices, upon which to rear a superstructure that sets at defiance law and order, trampling upon the rights of citizens, and fostering a feverish excitement that brings in its train the most hideous vices and wrongs that ever *curst* a land or blasted the prospects of man, and, like the pale horse in St. John's vision, drags Death and Hell after it.

It would be impossible for your committee to enumerate the wrongs inflicted on society and the community in general by this seductive vice. We will not make the attempt. It is in our power to stop, to some extent, its evil tendency, and we are unworthy the high and honorable station we occupy should we tacitly approve, or suffer longer to publicly exist, an occupation which, while it contributes nothing to the public good, nor adds a penny to the intrinsic wealth of the country, for the vicious it affords employment ; for the indolent, a resort ; and for the innocent, a seductive trap—leading to ruin and disgrace.

Having made sundry amendments to the bill, we respectfully, though *earnestly*, recommend its passage.

JOHN H. BOSTWICK, Chairman.
P. CANNEY,
S. A. McMEANS,
F. W. KITTREDGE.

[Document No. 51.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON STATE HOSPITALS.

[GEORGE KERR, STATE PRINTER.



R E P O R T
OF THE
COMMITTEE ON STATE HOSPITALS.

MR. SPEAKER :

The Committee on State Hospitals, to whom was referred the reports of the Trustees and Physicians of the several State Hospitals, after having carefully examined them, beg leave to submit the following report :

That they find, from the first day of January, 1852, to the first of January, 1853, five thousand four hundred and eighty patients were admitted into the three State Hospitals located at San Francisco, Sacramento city and Stockton, at a cost of two hundred and thirty-seven thousand dollars, being an average of \$470 80 for each patient treated.

It also appears from the reports that a large portion of this amount has been absorbed in the payment of high salaries to officers and attendants, and in rents and contracts for buildings, thus in a measure defeating the object for which the appropriation was intended.

That a necessity existed for the establishment of Hospitals at the time the existing system was created, no one acquainted with the then condition of the country will deny. The Legislature acted wisely in making provisions for the indigent sick. The country then was newly organized ; no efficient county organizations then existed, and the support of the sick necessarily became a charge upon individual charity. Two or three points, then prominent in population and commercial importance, had to bear the burden of supporting the sick. But this condition of affairs no longer exists. Settlements of families have been made generally over the State. Cities have sprung up and counties organized. Instead of the points which were form-

erly compelled to support the sick of the State having it now to do, it falls as heavy on other points that are remotely situated, and that derive no benefit whatever from the Hospitals, while they equally contribute to the support of the system which was intended to benefit all portions of the State.

For five hundred miles south of San Francisco the country derives no benefit from the State Hospitals. Also a large portion of that class of our population who most need the benefits of a free Hospital are in a part of the State remote from either of the locations of the Hospitals. We allude to the mining population. Many of our large and populous mining districts are so situated that it renders it impossible for their sick to be transported to either of the present Hospital locations.

The class of patients mostly benefitted by Hospital treatment, are those affected with chronic diseases. Those affected with acute diseases cannot be transported to any great distance before the disease will have had its termination. Hence but a very small portion of this class of patients can derive advantage from our Hospitals. Only those who happen to fall sick in their immediate vicinity are benefitted.

Your committee believe that the whole system of the present organization and endowment of the Hospitals is wrong, and not calculated to answer the purposes for which it was intended. They believe that a system so unequal and partial in its operations should be abolished. For two years the State has tested the operation of this system; and experience has taught us that with each year additional requirements and demands for funds on the Treasury have been created, without producing a corresponding benefit to our citizens. Each citizen contributes equally to the support of the Hospitals, while but few actually receive benefits from them.

Your committee believe that a system of County Hospitals, Dispensaries, or Infirmaries, as the county authorities may deem best, can be devised and put into successful operation, by which the indigent sick of each county can be maintained within its own borders and at a trifling cost. It is believed that a system of this sort, conducted with ordinary economy, will relieve every case of sickness of each county that may require the application of their charity; while, at the same time, it will be a saving of at least one hundred and fifty thousand dollars per annum to the State: an item which this Legislature, in its combined wisdom, should not overlook, especially in the present embarrassed condition of its finances.

In conformity with these views, your committee have carefully drawn up a bill which if adopted, it is confidently believed, will relieve us of many of the evils and abuses of the present partial and objectionable system, and also afford ample protection to the indigent sick of every county in the State.

Your committee would respectfully represent, that a United States Marine Hospital is now being erected in the city of San Francisco, where all such patients as will be sent to that particular institution will be well provided for, which will relieve the city of a portion of the burden that she has heretofore sustained.

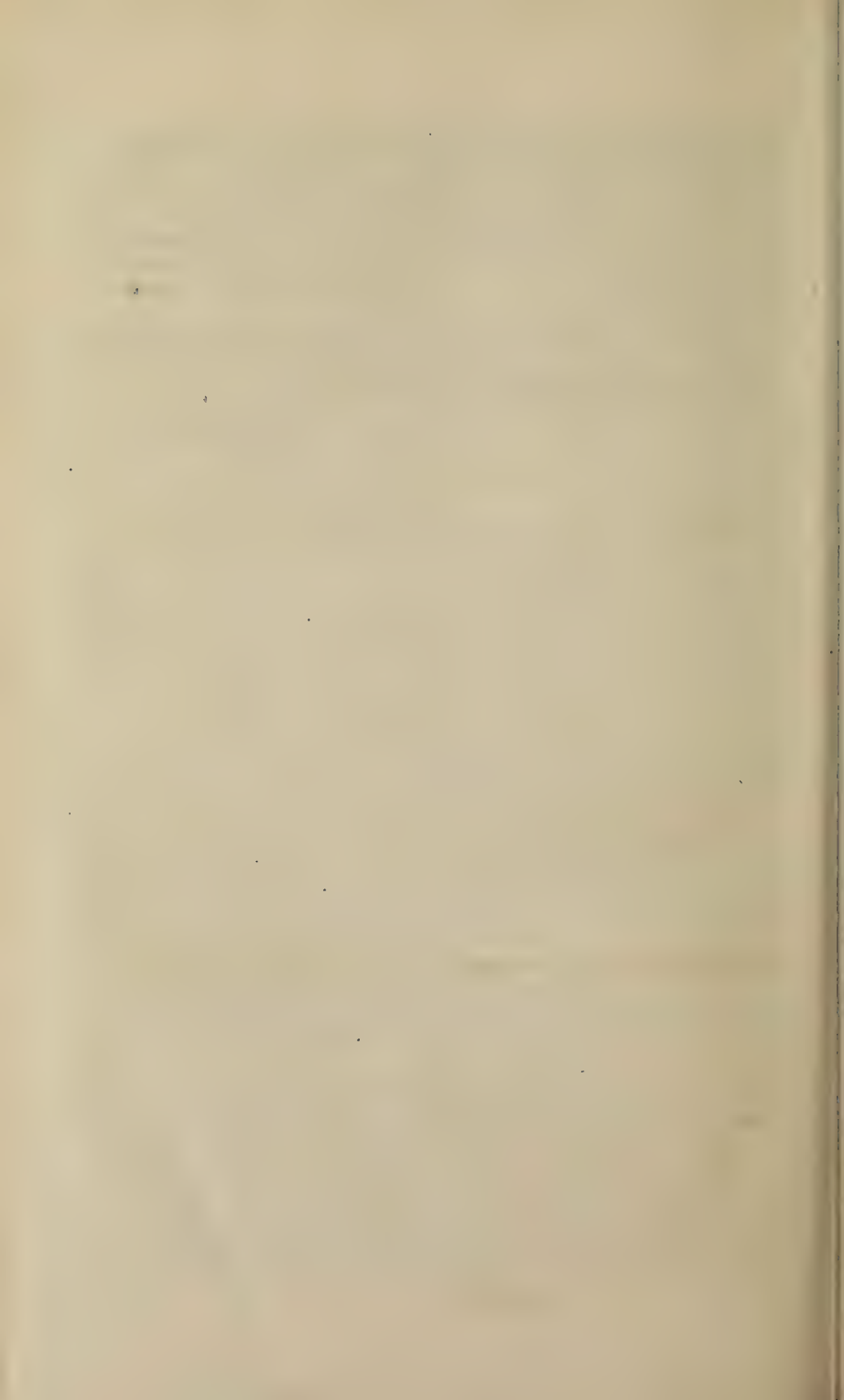
The cities of Stockton and San Francisco are in a prosperous condition; and with the aid from the State, as provided for in the accompanying bill, will be able to support their own, as well as provide for that part of the indigent sick who arrive from abroad. Sacramento city is less fortunate than

her neighbors. Having been recently destroyed by fire, and materially injured by floods, her citizens, many of them, reduced to poverty and want, she is but poorly calculated to accommodate and provide for her own sick, together with those who crowd her streets from the adjacent mines. But with the provisions of the accompanying bill, together with a donation by the State of the Hospital property in Sacramento city, to the county and city of Sacramento, it is believed, it will afford ample means for the support of her indigent sick.

Your committee beg leave to report the accompanying bill as a substitute for a bill to provide for the indigent sick, referred to the Committee on State Hospitals, and earnestly recommend its passage.

All of which is respectfully submitted.

J. P. McFARLAND.



[Document No. 52.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT
OF THE
SELECT COMMITTEE.

[GEORGE KERR, STATE PRINTER.

REPORT

OF

SELECT COMMITTEE.

Mr. Speaker:

The committee to whom was referred a bill for an act entitled "An Act to improve Tulé Lands, and to encourage the cultivation of Sugar, Rice and Cotton, having duly considered the same beg leave to make the following report:

In consideration of the valuable geographical information furnished the State by C. D. Gibbes, in surveying the different Channels and Sloughs of the San Joaquin and Moquelumne Rivers, embracing an area of some four or five hundred thousand acres, and also for the purpose of testing thoroughly the capability of our Tule or overflowed lands to produce rice and sugar, your committee are of the opinion that the tract of land described in said bill shall be given to the said C. D. Gibbes, provided it does not contain more than three sections. Your committee are averse to making large grants of land to individuals without very special reasons, but under the peculiar circumstances of the case under consideration, they are of opinion that a less amount than that above mentioned would poorly repay Mr. Gibbes for his services and expenses in reclaiming the land.

The agricultural experiment will be of infinite service to the State, as well as the individual members of it, and will be likely to open a new field of industry for that oriental class of denizens now cormorant in the mines, who will never be likely to receive the rights and privileges of citizens without some special legislation of Congress changing the naturalization laws.

Entertaining these views, with the amendments proposed limiting the amount of land, your committee recommend that the bill pass.

M. J. HALLEY, Chairman,
F. M. KITTREDGE,
SAM. BELL,
A. C. SMITH.

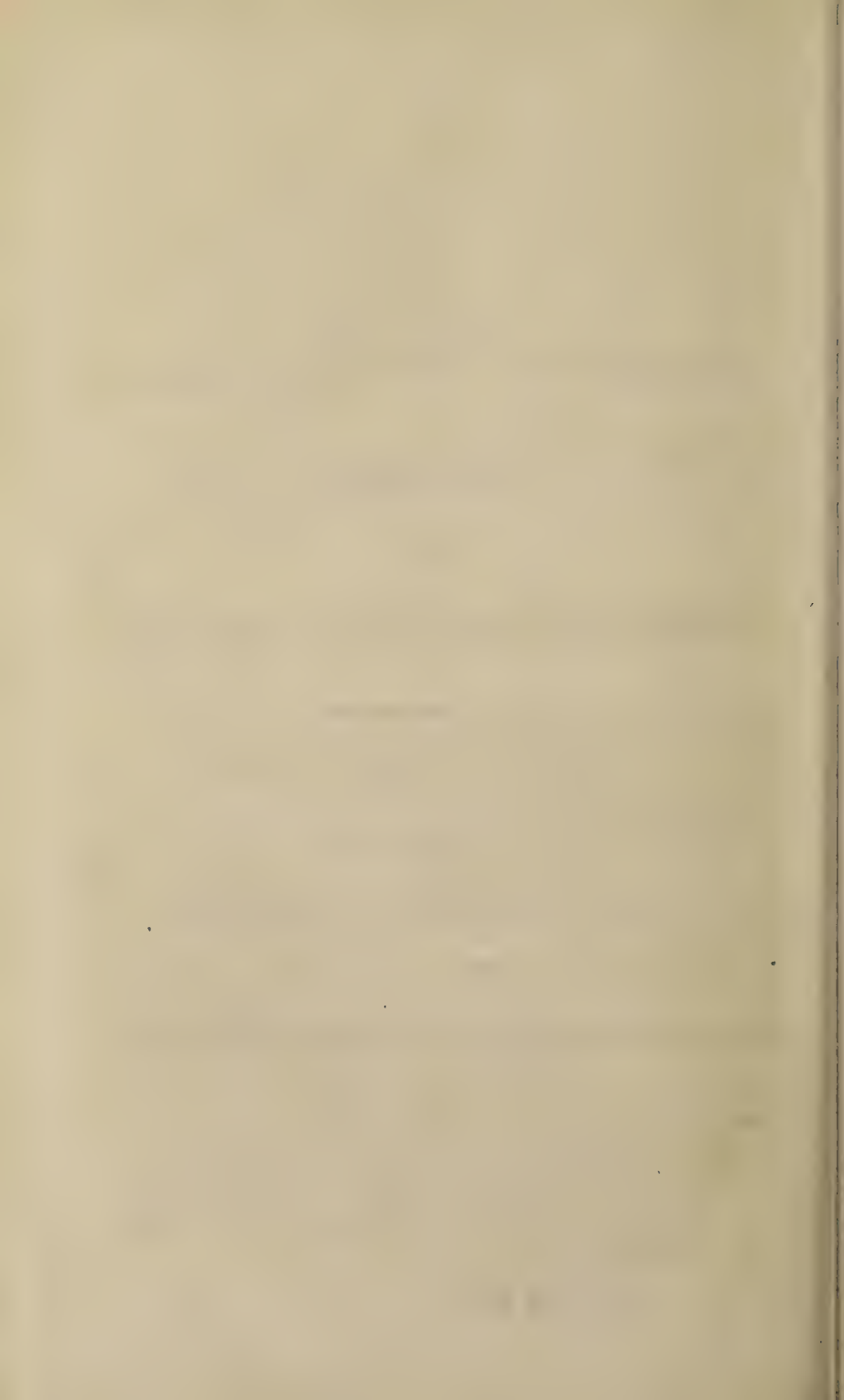
[Document No. 53.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT
OF THE
COMMITTEE ON WAYS AND MEANS,
TO WHOM WAS REFERRED
THE MESSAGE OF THE GOVERNOR
IN RELATION TO THE ACCRUING
INTEREST ON THE DEBT OF THE STATE. .

[GEORGE KERR, STATE PRINTER.



R E P O R T .

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred the message of the Governor in relation to the accruing interest on the debt of the State, beg leave to report :

That they have had the same under consideration, and have ascertained that the facts therein set forth, are nearly correct. The whole amount of interest accruing annually, it is believed, will exceed one hundred and twenty-five thousand dollars. The amount already funded, and which will be funded, will fully justify this estimate, in view of the fact, that the Comptroller has decided, and perhaps correctly, that all scrip issued under authority of law, in liquidation of contracts, made anterior to the thirty-first of December, 1852—are within the provisions of the Funding Act of 1852. Your committee believe, that it would be an abuse of public confidence, and an invasion of the rights of the people, to advise an imposition of taxes equal to the necessity of the case, without making every effort to render available the property of the State, where such can be accomplished legally, and without manifest wrong to a second party, to whom she is bound to extend every protection, consistent with law and equity. Past experience has demonstrated the potency of concentrated capital, and none are so stupid as to imagine, for a moment, that where such a power is exerted against the rights of individuals or communities, that justice to the oppressed can often be obtained, such would appear to be true, so far as this State is concerned, if her long and fruitless efforts to protect and secure her rights within her borders, are sufficient grounds for such an opinion ; nevertheless, some means should be provided to enable the State to meet her liabilities promptly. Your committee believe, the best way to do this, is to continue a system similar to the one heretofore adopted. The Act passed April 29th, 1851, section 10, provides ; that " it shall be the duty of the Treasurer of this State to make certain arrangements for the payment of the interest, on the said

bonds, when the same falls due, at least sixty days before the time of payment, and in event that said interest fund is insufficient, the said Treasurer shall draw on the General Fund for such purpose, and in the event that these funds prove inadequate, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith of the State; the eleventh section of the same Act, requires the Treasurer to set apart certain moneys, therein named, as the State Sinking Fund," and among others, "The proceeds of the sales of all lands, now held, or that may be hereafter acquired by this State, in her own right, except those reserved by the Constitution for school purposes." This Act, however, refers only to the previously existing debt of the State, and the interest thereon, and cannot be applied to the debt and interest created since that time; and therefore a general law, by which all such emergencies will be met hereafter, is thought to be necessary. The question is now one of much greater importance than it was two years since. Then the interest was a mere trifle, compared to what it is now, but yet it was, even then, deemed of sufficient importance to pledge "the proceeds of the sales of all the lands" belonging to the State for its payment.

In view of the importance of the measure, and the bearing it may hereafter have on the finances of the State, your Committee have thought proper to vest the power heretofore given to the Treasurer alone, in a Board, to consist of five of the State officers, and giving them the further authority of reducing the rate of interest, from seven and thirty-six per cent. per annum, to five per cent. per annum, if it shall be found practicable to do so.

The three per cents., (bonds bearing interest at three per cent. per month,) should by all means be taken up, even if it should be found necessary to issue bonds at seven per cent. per annum, with which to redeem them. These bonds have too long remained a blot on our State. They should be cancelled as soon as practicable. It is believed that loans can be effected at five per cent. per annum, which if carried into effect, would afford a saving to the State, on the seven per cents alone, of over forty thousand dollars per annum, and in addition to this, would be the entire reduction of the three per cents.

To enable the Board of State officers to complete their arrangements, it becomes necessary that the law should comply with that provision of the Constitution relating to the indebtedness of the State, and hence the pledge of the "proceeds of the sales" of certain property for its payment, which is in exact accordance with the Act of the 24th April, 1851. In the Bill herewith submitted the authority given to the Board to make arrangements for calling in and paying the outstanding bonds of the State, was deemed necessary in view of the fact that a large amount will fall due in 1855, and if no good can be done, no injury to the State can result from their action.

S. A. McMEANS,
Chairman.

[Document No. 54.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON CLAIMS.

[GEORGE KERR, STATE PRINTER.

R E P O R T
OF THE
COMMITTEE ON CLAIMS.

The Committee on Claims, to whom was referred the petition of P. A. Brinsmade and W. W. Shepperd, asking an allowance of \$4,300 53 for the publication of the laws, under the provisions of an Act passed May 1, 1851, have had the same under consideration, and ask leave to make the following report :

Your committee are informed from testimony, that the said petitioners were connected with others as editors and proprietors of a paper, published in San Francisco, called the "Evening Picayune;" that the said office of the Evening Picayune was destroyed by fire on the night of May 3d, 1851; that on the 19th of that month the petitioners started another paper called the "Morning Post," in which they commenced the publication of the laws according to the provisions of the statute above referred to.

Your committee find by examination of the statute, that the laws were required to be published in the Evening Picayune, and that on the 22d of May, 1851, a bond was filed in the Secretary of State's office, executed by W. A. Grover and Charles S. Biden, proprietors of the Evening Picayune, (who we are informed were also proprietors of the old Evening Picayune, which had been burned,) in which they bind themselves to publish and distribute the laws according to said statute.

Your committee have not been able to find any bond of the petitioners either on behalf of the old Picayune or for the Morning Post. We are informed that the proprietors of the new Evening Picayune did perform their work according to contract, and that a dispute arose as to whether the money should be paid to the Evening Picayune or the Morning Post, and that upon an agreed case being submitted to the Attorney General, he decided in favor of the Evening Picayune being properly entitled to the pay. The account of that paper was audited, therefore, by the Comptroller.

We believe the prayer of the petitioners should not be granted.

CRENSHAW.

[Document No. 55.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

R E P O R T

OF THE

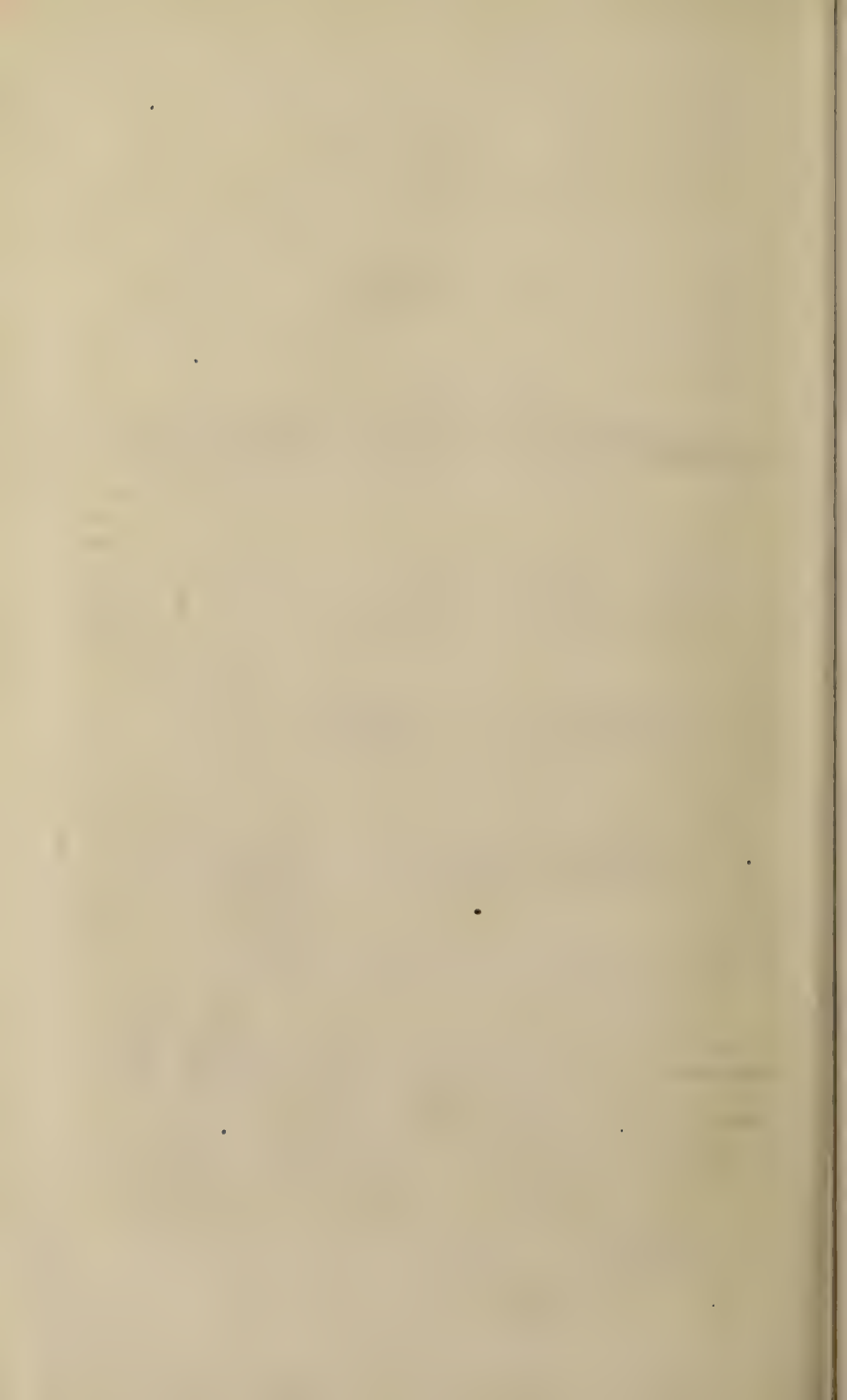
SPECIAL COMMITTEE

APPOINTED TO VISIT AND EXAMINE

THE STATE MARINE HOSPITAL

AT SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.]



R E P O R T .

MR. SPEAKER :

Your Committee who were appointed to visit and examine the State Marine Hospital at San Francisco, beg leave to report that they have visited the institution, and made as careful an examination as the short time which they were enabled to devote to the subject, would permit. Their investigation fully satisfied them of the importance to the State and to the interests of humanity, of preserving and making ample provisions for the maintenance of the institution. The number of patients at present in the Hospital is about three hundred. It is impossible to estimate the amount of suffering which is relieved by this noble and useful charity. If errors or defects exist in the law now regulating it, they should be carefully amended, and such improvements as experience has suggested, be carried out in a generous and liberal spirit. But we should pause long, and look carefully before we attempt to destroy an institution which within the past year has relieved the sufferings, alleviated the distresses and restored the health of nearly two thousand of our fellow beings, and which has afforded care and shelter to their dying moments to hundreds more whose diseases were incurable.

The necessity of making a suitable provision for the sick is apparent to all. No member of this Legislature would desire to abolish the present system without substituting something equally effective and equally economical.

The objection is made to the continuance of the State Marine Hospital at San Francisco, that though nominally a State institution, its benefits are almost entirely monopolized by the citizens of San Francisco, and that the revenue of this State is thus used to defray expenses properly chargeable to that city.

Your committee admit that the report of the Trustees of the Hospital seems to give color to this supposition ; but an examination of the actual facts has fully satisfied the committee that, although by far the greater portion of the sick are admitted as city, they are in fact State patients.

In order to explain the discrepancy between the report and the fact, the committee would state that, in pursuance of the authority vested in them by law, the Trustees of the State Marine Hospital have from time

to time contracted with the city to provide for and take care of the city sick. By the contract now in force the city is required to pay at the rate of \$50,000 per annum. The city sick are admitted to the Hospital upon an order from one of the Aldermen countersigned by the Mayor.

It will be observed by reference to the law that the only persons who are declared to be entitled absolutely to admission as State patients, are the persons who have paid either commutation money or the emigrant tax. A discretion however is given to the Trustees, to admit such indigent persons (other than those included in the two classes above mentioned) as they may think proper. As very few persons pay commutation money, almost the only persons absolutely entitled to admission under the letter of the law are emigrant foreigners, and those on applying for relief are required to produce a receipt for the payment of their tax. But it cannot be supposed that the State intended to establish the institution merely for the benefit of foreigners to the exclusion of our own citizens.

The law intended only to give a preference to those from whom the greater portion of the funds for the support of the institution was derived.

It is therefore clear that American citizens arriving sick from foreign countries, or from another state, and also all persons not residents of the city of San Francisco, and who are in destitute circumstances and require hospital treatment, are proper subjects for admission to the benefits of this State charity, and that the only persons who are strictly city patients are the residents of the city of San Francisco. As, however, the Trustees had contracted to take charge of the city sick, the mode of admission was regarded by them as immaterial, if the person applying was entitled to be admitted, either as a city or State patient.

No regulation has therefore been made by them, as to the method of applying for admission as a State patient, in cases where the applicant has not paid Immigrant tax. Under those circumstances all persons other than the class last mentioned are admitted as city patients, whether residents of San Francisco or not. For those reasons it is impossible to form any estimate from the Report of the Trustees, as to the number of patients properly chargeable to the State.

But from enquiries made upon the spot, and conversations with the officers of the Institution, your Committee are satisfied that at the lowest calculation three-fourths of the patients in the Hospital, though nominally admitted as city, are in reality State patients.

With reference to the management of the Hospital, the Committee report, that in its departments there was every appearance of efficient supervision and perfect discipline. In this respect, and indeed in all the great features of the Institution, the Committee feel persuaded it will compare favorably with any similar establishment in the United States. The great end of a charity like this—the care and healing of the sick is completely achieved, and the Hospital should be regarded by the State, as it really is, one of the proudest monuments of the humanity and generosity of the citizens.

A. G. McCANDLESS,
CHARLES FAIRFAX,
H. G. PROCTOR.

[Document No. 56.]

IN THE ASSEMBLY.]

[SESSION OF 1854.]

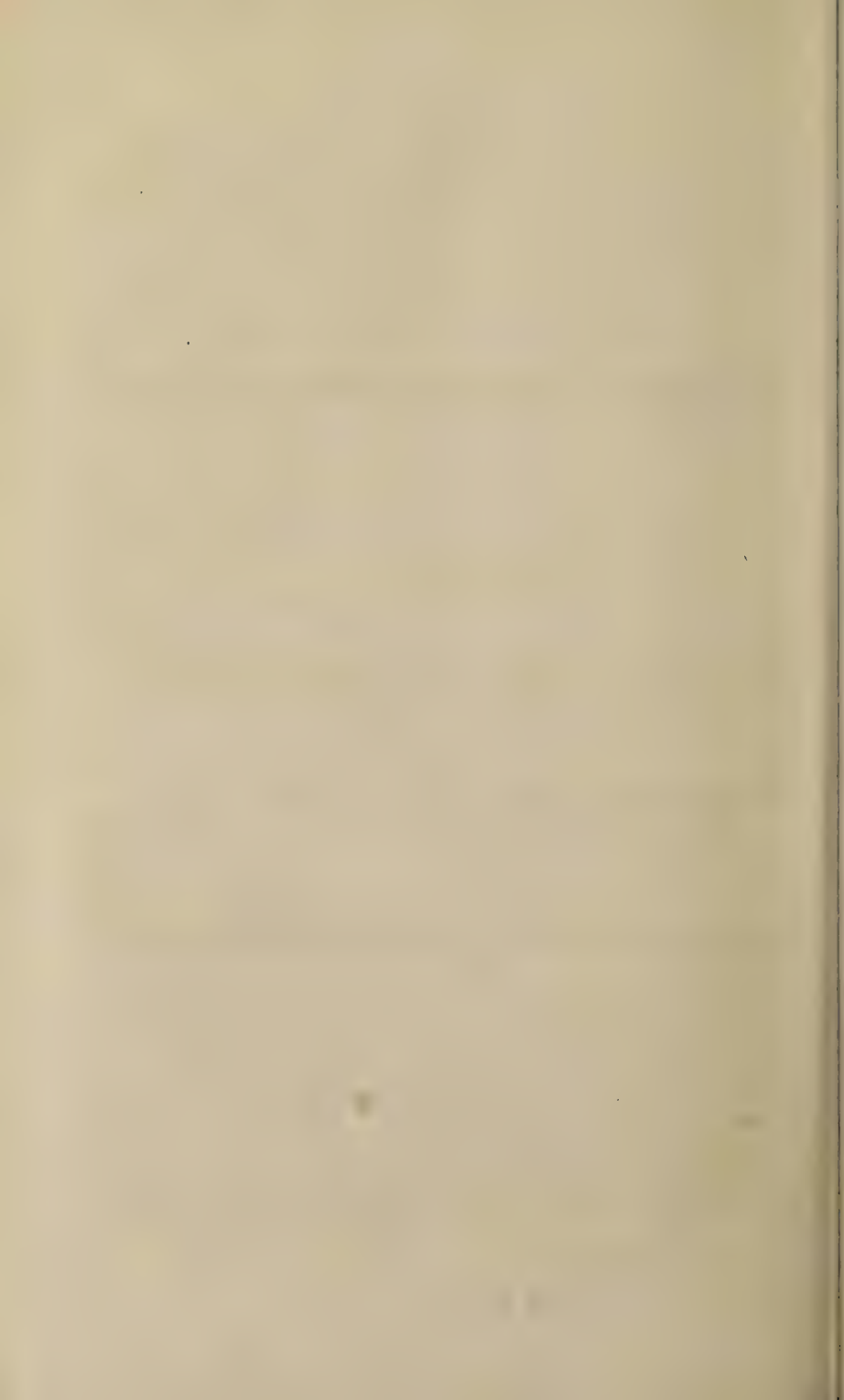
R E P O R T

OF THE

COMMITTEE ON

PUBLIC EXPENDITURES.

[GEORGE WERR, STATE PRINTER.]



R E P O R T

OF THE

COMMITTEE ON

PUBLIC EXPENDITURES.

MR. SPEAKER :

The Committee to whom was referred the Senate bill compensating Dr. John B. Trask for his Report on the Geology of the Mineral Districts, and enabling him to prosecute still further examinations in the Coast Range and other districts, would respectfully beg leave to report—

That in the incomplete and discrepant state of our knowledge respecting the mineral distributions of the State in all their various branches, their great diversity and distribution and the absolute necessity of a more correct knowledge of the resources of our State not only in this branch of industrial employment, but also in agriculture ; the necessity of a survey of the character alluded to cannot but be fraught with the most beneficial results to the community at large.

The inattention of the General Government in respect to this subject in this State, notwithstanding the repeated calls that have been made upon it for this purpose, has left us in the same condition that existed at the time of its cession, so far only as private means and men have entrusted themselves in those developments, both in an economical and scientific point of view.

The subject of a full report on the geology of our State would comprehend a mass of information of intrinsic value, that cannot fail to very materially enhance every branch of industry to which this State in its manifold capabilities may unfold.

The results of these surveys in the older States will fully demonstrate this fact, as has been proved from years of ample experience. The surveys that have been conducted under the patronage of the General Government within the Territory of the northwest and west, has been the means of developing the sources from which the necessary re-agents may be obtained for the purposes of reclamation of much of the "mauvaise terre" (bad lands) of those sections, and their results are found in rendering marketable some two and a half millions acres of land which, prior to four years since, was entirely valueless.

It is a conceded fact that there are many thousand acres of barren lands within the limits of our State that might be made available under judicious management. The advantages to be derived from a study of their peculiarities is accessible only through the science of Geology, connecting with itself as it does so many of the collateral sciences that at the moment you observe its position relative to other formations, you at the same time are able often to demonstrate the means of its reclamation, whether local or chemical. It is often the case that barrenness is induced in lands from the want of some single constituent only, while this same ingredient will often be found in an adjoining neighborhood not far removed, and an acquaintance with the formations that compose such districts is the only method of rendering such lands valuable or marketable.

This same barren condition is often induced in sections, from the want of water alone: an examination of the formation on which such lands rest, will demonstrate the practicability of obtaining it by artificial means, and extensive portions of these lands within the limits of our State will be brought into requisition by these measures when it has been practically demonstrated.

Other lands that are supplied with water for purposes of agriculture are found to be incapable of producing grains, and will prove productive of nothing but the indigenous grasses of the country, the grasses of the Atlantic States not flourishing well even in those districts. This being the case, the importance of the investigation of causes producing such effects will be apparent, and it can be looked for only through the inductive principles which this science imposes. These effects will be often found produced from a surplus or want of some one of the ingredients in such soils; this being once ascertained, the difficulty is often obviated easily. Therefore but little attention has been given to the development of other of the mineral resources of our State than gold. In this particular too, little attention has been bestowed.

We have the best of evidence that other and important mineral sections do exist which, from their character and commercial importance, will at no distant day form an important part in the commercial transactions of the country. These resources should not pass unnoticed either in a political or economical point of view, for two reasons, if for no other.

The fact of their existence being known, their locations should be known also: and as our general law covers these districts, settlements

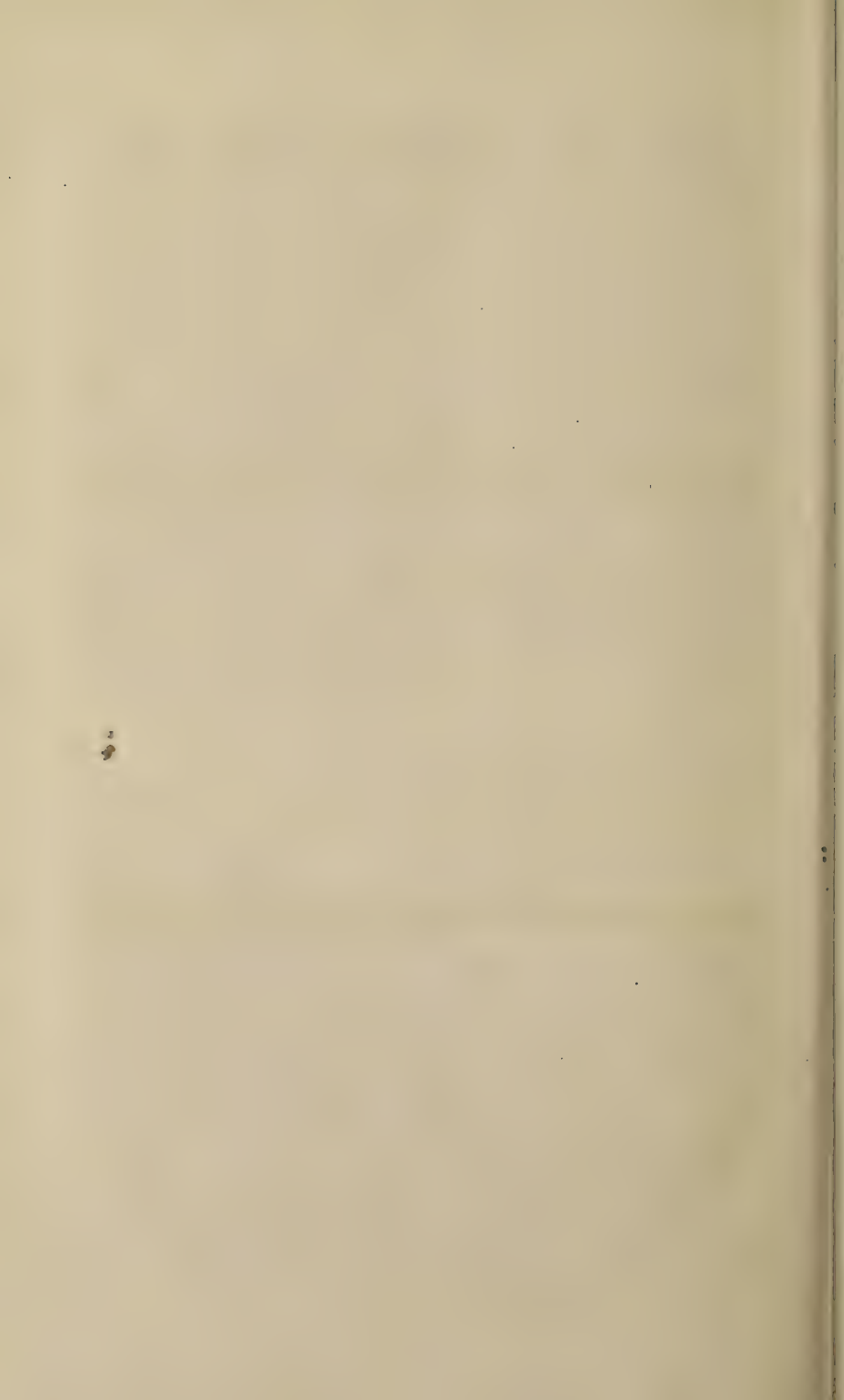
upon them for other than mining purposes would be obviated, and much of the troubles and litigation that have ensued from similar circumstances would be avoided. These remarks will apply equally well to many sections of the country that are known to contain gold, but are at the present moment regarded as agricultural lands.

The manifold advantages of a thorough examination of the country cannot be too highly esteemed and our mineral resources too closely examined ; in them exist the sources of our wealth, and their full development must, from the nature of attendant circumstances, greatly enhance every interest that is likely to spring up in our State, either in the arts, manufactures, mining or agriculture. Those great sources of national wealth will find additional support and a new impetus from the increase of population which will ultimately ensue when a proper understanding of our varied inducements are presented, and notwithstanding the glittering accounts from foreign lands that have now turned the great tide of emigration from our own and the Atlantic shore. Its reflux tide which must soon turn will find its status again on the shores of our own State.

The credit of our State abroad will, as a consequence, find a healthful reaction in the results that must follow under these auspices, and in place of her present Bonds being found below par in distant markets, she will do for herself what she has already for the Government at home, raised its scrip in its own and foreign markets to the depreciation of its own.

The committee therefore report the bill back without amendment, and recommend its passage.

AUSTIN WING, Chairman.



[Document No. 57.]

IN THE ASSEMBLY.]

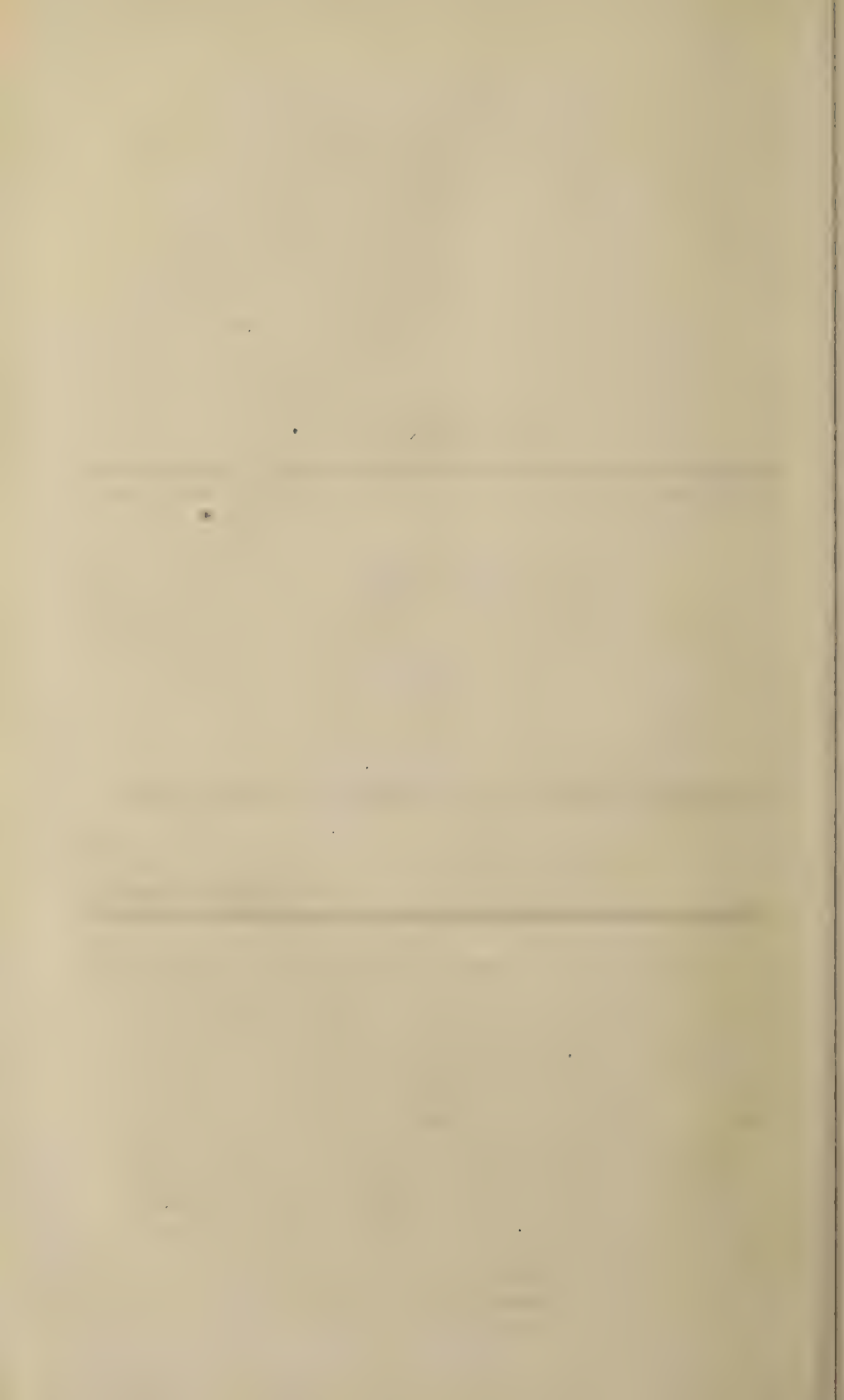
[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON INDIAN AFFAIRS.

[GEORGE KERR, STATE PRINTER.



REPORT
OF THE
COMMITTEE ON INDIAN AFFAIRS.

Mr. Speaker:

The undersigned, from the Indian Affairs Committee, to whom was referred "An Act for the relief of James Birney," respectfully reports:

That he has given the matter a close examination, and finds that he must differ, reluctantly, with his adjuncts on the committee.

It too frequently happens that claims against the State, without possessing a single favorable point in law or in equity, are passed through the Legislature from motives of friendship to the claimant, or through a mistaken notion of giving individuals an extra advantage where the Government is a party. This principle is wrong, and its workings hitherto have bankrupted our treasury and seriously retarded our financial progress. We should stop its advancement—we should curtail every legitimate expenditure. The present bill partakes of this class of appropriations.

It is an extraordinary departure from the strict rules of the construction of right, and demand, what the facts will not warrant. If the principle is established, the long array of similar claimants will be startling to behold. Your Legislative Halls will be besieged with men of every character and clime, asking to be paid for hunting up indebtedness against the State, and if you pay this claim their absurd demands should receive the same deserts.

Was Major James Birney an officer of the Government, under the Con-

stitution or the laws, and what were his specific duties? A law passed March 17th, 1851, directing the Governor to call out troops to suppress Indian disturbances in certain counties, and among others, Mariposa.—Major Birney was appointed paymaster under this law, and ordered to pay off those who were engaged in it. Accordingly, on the 20th of July, 1851, he filed a bond *without a date*, for the faithful performance of his duties. His term of office was unlimited, and therefore he was liable to be ousted in a day, or a month or a year. He proceeded with his duties, paid off the Mariposa Volunteers, and settled with the Government. So far his duties ended; the law contemplated nothing more.

For these services the law directed him paid, and for these services he received ample compensation. An ambiguity, however, was discovered in the fourth section of Act of 17th March, 1851, and by some it was contended that Major Birney was *de facto* the Paymaster for the troops called out in El Dorado, Los Angeles, Monterey, etc. The ridiculousness of this position is so manifest on the face of the law, that it scarcely requires an elucidation. If this was intended, or the law really meant to make Major Birney the Paymaster of *all* the expeditions, why does the fifth section conflict with the fourth? It declares that "upon receipt of certain warrants, Major Birney shall proceed to Mariposa County and settle the War Claims," &c. Not one word is contained in it in reference to Utah, El Dorado, or Los Angeles. It directs him to proceed to pay the Volunteers in one county and none other, and surely if it had meant the others it would so state the fact. We must take the law as it stands, and not as gentlemen would hope to have it. For his services in Mariposa county he was paid—the law contemplated no other county, consequently not a single cent is due him. But again: Section nine of the same Act says, that the law's existence shall only be so long as the present Indian incursions prevail. The expeditions to Los Angeles, Utah, &c., were after the close of the Mariposa War, and the law itself was blotted out of existence by limitation.

And now for a moment let us look at Major Birney's charges: The first is under date of February 15th, for cash expended in *collecting* certain evidences of indebtedness, two thousand one hundred dollars, (\$2,100) and the second item is for returning said evidences \$1,200, total \$3,300. The third charge is for two hundred and twenty five days labor in performing these duties, at sixteen dollars per day, amounting to \$3,600.—By what law or under what authority this charge is made, your committee cannot conceive. Certainly not under the law under which he claims. That provides for a percentage, not for a salary. And next we find the charges of services of a clerk for 165 days, at \$16 per day. Does the law of 17th March even hint at, much less authorize, the appointment of a clerk? The word "clerk" is not mentioned in the law, and this expenditure is so wholly unauthorized, so extraordinary even in comparison with the other items in his bill, and its monstrous aggregate, that your committee are amazed and scarcely know how to answer its absurdity. But, in keeping with this is a charge for interest. Has the State ever allowed interest upon an unsettled account? Unquestionably we must answer no. We are grieved to think that gentlemen will advocate a bill so fraught with evil as this. The State is entitled to the same checks as individuals, and would a gentleman on the floor allow it in an individual

capacity? We opine not. The undersigned might go on at length and show the iniquity of this measure, but the above will suffice. He might go on and show that the amount Major Birney collected is but a few dollars more than the sum he claims. The debate will show this fact.

In conclusion, the undersigned recommends that the bill be negatived. All of which is submitted.

J. BRUSH.



[Document No. 58.]

* IN THE ASSEMBLY.]

[SESSION OF 1853.]

MEMORIAL

UPON THE SUBJECT OF

CONSTRUCTING A RAILROAD

FROM THE

PACIFIC

TO THE

VALLEY OF THE MISSISSIPPI.

[GEORGE KERR, STATE PRINTER.]

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MEMORIAL

CONSTRUCTING A RAILROAD

THROUGH

THE STATE OF THE MISSISSIPPI

MEMORIAL.

RAILROAD FROM THE PACIFIC TO THE VALLEY OF THE MISSISSIPPI.

Chas. Bond, Col. D. Turner, C. L. Heiser, L. Hermann, J. L. Folsom, F. Billings, B. C. Saunders, C. J. Brenham and Thos. C. Hambly, the committee appointed at a public meeting of the citizens of San Francisco and its vicinity, convened at the Exchange, for all nations, on Friday Evening, the 28th of November, 1851, to memorialize Congress upon the subject of constructing a Railway from the Pacific to the valley of the Mississippi, do now respectfully report the following memorial.

To the State of California, though the youngest of the confederacy, has it fallen, to give conception to an enterprize, the grandest, the most extended, and in all probability, the most useful of all public works which have at any period occupied the attention of any government—that of a railway from the Pacific coast to the valley of the Mississippi, an enterprize, the cost of which, although probably four times that of any known similar work, yet sinks into insignificance when contrasted with its extent and its benefits.

The history of California as a State, is eminently peculiar to herself—it has no parallel, either ancient or modern. Her origin, like that of the fabled goddess of wisdom, was without anticipation. *Never* in her minority, she has known nothing of territorial tutelage, and never has been embarrassed with the swaddling bands of territorial government, and full grown at birth, she took her stand in the *Union* with all the maturity of a long established organization.

Just as peculiar as her history, is her condition ; with a climate as varied as a meridian of longitude, she is exempt from disease ; with a soil as fruitful as that of the tropics, her agriculture has scarce commenced—a whole nation of actual laborers, she has yet no manufactures ; and with wealth that surpasses fiction, she has neither canals nor railways ; and yet, paradoxical as it may seem, without the aid of government expenditures, or the combined

power of moneyed corporations, she has already executed by private enterprise, works of "Internal Improvement," where the capital invested has been the thews and sinews of the stockholders; where direct benefits and productiveness far outstrip, in their results, any similar efforts of the States from which we spring, either on this continent, or in Europe.

Our tunnels amaze the scientific engineer, and he wonders whence the power came that built them. Our sunken shafts astonish the experienced miner of the old world, who never dreamed, that the arm of a freeman could possess such vigor. Our aqueducts and water-ways are, many of them, longer than most European canals, and though almost unknown to the world, seem to be commenced and completed with the rapidity of magic.

Recently, our whole domain was but one vast wild cattle-field; to-day it teems with population and the hum of industry, and the sound of labor is heard in all our valleys and on all our mountains.

Without being obliged, like other States, to manufacture, to produce, to exchange or barter, for the production of wealth, we lift it from the ground, and scatter broadcast, amongst the nations of the earth, a hundred millions of gold annually; and Atlas, like, single-handed, bear up commercial credit far above the shocks of commercial crises, and preserve the equilibrium of trade for a world. We repeat it, we have no parallel, either in our history or our condition. And these assertions, wild as they *may* seem, are stubborn facts, visible to all the earth, and not the offspring of vain and empty boastings.

The well known assertion of Bishop Berkeley, that "westward the course of Empire takes its way," is fulfilled in our destiny. The earliest annals of history testify to this migration as having occurred with the regularity of instinct. Asia impelled her living stream on Europe; Eastern Europe poured the melting mass along, until the mighty ocean hemmed it in, when Columbus drew his finger across the Atlantic, and followed by the living stream it reached *our* shores, and billow after billow has rolled on ever since, until the tide has burst over the confines of the Rocky Mountains, swept down the sides of the Sierra Nevada, and now, in the "fulness of time," the West, the "Far West," has ceased to exist!

That pent up flood of population now reacts upon the East, and like the glorious rays of the rising sun, as they burst the barriers of an intervening world, gild the mountain tops far away in the West, and thence rebound, and are given back in corruscations of light and life upon the valleys and the streams of the East: so that flow of empire, having reached its farthest bounds, it now returns its mighty volume to endow with new energies and new resources the vast field it has passed, and thus it becomes, like mercy,

"twice blessed;
It blesseth him that gives and him that takes."

It is from California that this great enterprise we contemplate must spring: it is from her untiring energies that this movement must obtain its impulse. California must give nerve and power to this bold proposition. To say that there lives not the man who is capable of estimating the great results that are to flow from the construction of a railway across this continent, from the Pacific coast to the Atlantic, is to assert what is obvious—to repeat what is

trite. We live at a period rife with mighty enterprises ; at an age, when human energy is devoted, not to carnage, but to utilitarian instincts ; when each nation is putting forth its nerves to their utmost tension in the race of improvement, because *now* "the race is not to the swift nor the battle to the strong." It is not *now* a contest of legs and arms, but one of brain, of intellect ; when mind enters the arena with mind, and the stake is not cannon and colors and drums, but superiority in the useful arts of life. The Chinese Wall, fifteen hundred miles in length, has served for two thousand years no other purpose than as a monument of the cowardice of its projectors ; its only use being a mere defence against the incursions of hostile tribes. The immense expenditure of wealth and labor in the Egyptian Pyramids, only gave a splendid mausoleum to the worthless carcass of some, perhaps, bloody despot ; and the more worthy work of the Highway of the Incas on our South American continent, two thousand miles in length, and flagged with stone, covered with bitumen, was built for the benefit of an isolated and half civilized empire ; whilst *our* enterprise will be the Highway of the World, and mark a stream on which will flow to *all nations* the blessings of mutual kindness and friendly relations,—a wide channel for Christian Light and Truth and Civilization,—on and by which the Arts and Sciences, and Republican Principles, will encircle a grateful world.

The common use of steam has renewed commerce, and communicated a new and accelerated vigor to all its currents. *Time, now*, more than *ever*, is money, and sailing ships "must keep the pace," or go out of use. So far, they have been successful in their efforts ; and yet, it is easy to see that a few more improvements in steamers will place an immeasurable distance between them and sails ; and whilst the latter may become antiquated, the former will open to us a new era in navigation.

Ocean steaming, authoritatively pronounced by the philosophers of the day *impracticable*, has proved eminently successful. A few well directed blows of the actual mechanic has exploded the imaginative ideas of the philosophizing theorist, and has proclaimed, as "settled law," that steam, or some other efficient substitute, must *shortly* drive the commerce of the world.

And whilst this agent is doing its work so well at sea, it is by no means idle on the land. The Locomotive has a thousand eyes watching its motions, a thousand minds bent on its improvement, and a thousand hands experimenting on its action and compelling its simplification. Already its rate has been increased from four miles per hour to over a hundred ; and no eye can yet see at what point of speed it will be limited.

During the stormy winter of 1836-7, all the "Liners," the best packet ships between New York and Liverpool, were detained by contrary winds until "*eighteen mails*" were due ; and a large amount of commercial disaster, which resulted in 1837 in a general break-up of American merchants in London, was solely occasioned by these "ruthless winds" which kept back their ships and their remittances ; and when, in consequence of this, it was proposed in Europe to send a steam vessel across the Atlantic, the British Association for the Advancement of Science met, and gravely demonstrated, theoretically, that a steam voyage to New York was *impracticable* ! It was shown that fourteen hundred tons of coal would be required for the Great Western, whilst her whole tonnage was but twelve hundred, and in

consequence, the voyage projected, was pronounced absurd! Nevertheless, she started, and when but *three days* out, passed a "Liner" under sail *seven days* out, and accomplished in fifteen days and twenty hours her whole voyage, consuming four hundred and fifty tons of coal only! That experiment was followed by others, still more successful, until ocean steaming has ceased to be an object of wonder, and the Atlantic is reduced to a mere ferry!

The passage around Cape Horn has long been the terror of navigators, and that by the Cape of Good Hope not less so, since the days of Vasco de Gama.

From the time when the dividing ridge on the Isthmus of Panama was first crossed down to the present, nation after nation has sought for a convenient and easy passage between the two oceans at that narrow Isthmus, the importance of which has been so ably and energetically set forth in the report of the Hon. T. Butler King, from the Committee on Naval Affairs to the House of Representatives at Washington. And now, when individual enterprise has almost accomplished that passage by rail-way, we yet find that *that* is by no means *all* that we want.

From the period when the bold buccaneers were the terror of both oceans, a water channel of communication has been sought for that would unite the Atlantic and Pacific, and recently in the rivalry of possession of one of the passages of this Isthmus our nation and its great ancestor have almost been embroiled by the question. Whilst at the same time public attention has been also attached to the great importance of the Tehuantepec route, and it has been sought to make it the subject of treaty stipulations, yet neither the Panama, the Nicaragua, nor the Tehuantepec routes, if all successful, will satisfy us, for whilst we wish well to each of these enterprises as we do to all that improves and facilitates communication everywhere, yet nothing will satisfy us but a way over our own soil, a road within our own jurisdiction, embosomed amongst our own people, safe from the reach of every foe, and grasping in one united bond the mystic arrows of the confederacy, and surrounding our glorious Union with a band of steel which shall hold it in place so long as governments shall be known on earth.

Fortunately for us in this grand and generous contest for improvement now inciting the world to rivalry, amongst the foremost in the race are our own countrymen; and when apparently their energies seemed to be taxed to the utmost limit California steps into the arena, and declares that her demands far out measure any requirements ever yet made upon the public capabilities, and that her rewards to the enterprising shall far exceed the golden cups, the jewelled snuff-boxes, the ribbons and the rings of all the monarchs that have ever lived "since Nimrod ruled," and frankly and liberally, and nobly California throws open the field of contest to the whole world.

Numerous indeed are the motives which urge the immediate execution of this work upon our attention with irresistible force with statesmen. Its nationality presses it, forming as it will the great belt of communication from ocean to ocean, and its side connections will bind together our large unoccupied or sparsely settled territories, whilst at the same time it will command the trade of the wide Pacific, whether it be connected with the southern shores of this continent, the islands of the great ocean, or the commerce of the East Indies and of China, and the whaling business transferred to the ports of this State, the voyage reduced in time to one-eighth, and the dis-

tance to one-seventh of that now required, must place these fishing grounds in the hands of our enterprising countrymen.

The track of this road will pass through our vastly unsettled domain. It will subdue the forest, the prairie, and the desert, and offer them as homes to the oppressed of all nations, to whom with extended arms, we tender a resting place under our roof, free, where safety and peace will surround them, and the hand of sympathy and brotherhood sustain and protect them.

It will carry peace and civilization, and the useful arts amongst our savage tribes, whilst by it, at the same time, we shall enforce the world to make us their carriers; China and the East will, through us, stretch out their hands to Europe, and Europe by the same means, will return her blessings upon the Indies.

In war it will give strength and union, and California will be placed under the wide spread wings of the American Eagle, instead of being as now, at the "ends of the earth!" Now we are dependent upon the *peace of the world*, and the *permission* of New Grenada, for the safe transit of our mails and treasure; then, we shall be independent of the former and released from this obligation to the latter, which is an obligation derogatory to our dignity and independence as a nation.

Who does not know, that a declaration of war with Great Britain would not only instantly stop the transit of our millions of treasure by the Isthmus of Panama, but also at the same time, our entire mail communication with the Atlantic States.

The lurking privateers that would then lay in ambush in the English West Indies, would cut off all intercourse by merchantmen and unarmed steamers, whilst squadron after squadron of their multitudinous navy would swarm in the Pacific, or shelter themselves in the harbors of those Islands, and nothing but squadrons of equal or greater force, which it would require years to build and equip, could open a passage, and that at uncertain and doubtful periods.

If then, a delay of six weeks in all mail communication between Liverpool and New York, in 1837, by reason of opposing winds, could bankrupt our merchants, how much more easily is it made obvious to the dullest intellect, that a total cessation of our communications and special transit to the States, caused by a declaration of war, would produce a cessation of specie payments by almost every bank in the Union, and a far more disastrous bankruptcy of our merchants, than has ever yet occurred. Yet such is now our imminent position.

Unfortified too, as we are here, incapable of receiving aid across the mighty desert that intervenes between us and our home government, the British forces kept in their portion of the East Indies, are now, by our settlement on this coast, within dangerously close proximity to us, and might lay us under contribution and disarrange our connexions most vitally, without the necessity of looking toward home for a single man, or a single ship beyond their usual force. Whilst our navy must fight at every inch, and conquer in every battle, through eighteen thousand miles of sea, without a harbor for shelter, or a point to refit or seek for supplies.

It is true, these things are not likely to occur. But is it wise, for that reason, to shut our eyes to the possibility.

It is true, that at this moment, a better feeling exists between our government and that of Great Britain than ever existed before. It is true, prejudice is vanishing, that mutual respect is accruing, and that power is aggregating on our part, so that a conflict, when it does come—which may kind heaven avert—will shake this earth from centre to circumference.

It is true, and acknowledged to be true, that these two governments at present look on each other with kindly eyes, as helper to the oppressed; as the homes of the politically destitute; as the known enemies of tyranny, and the acknowledged champions of liberty and of truth. Yet, who can say that the jealousy of rivalry, or angry passions, or real interest, or imaginary insult, shall NEVER again cause these nations to rush together in horrid conflict. That this may *never* occur, is the sincere ejaculation of every true friend of either, but that it *shall not*, is more than we can foretell or dare aver.

If, then, California be designed to form an integral part of the Great North American Empire, and to occupy her proper position as such, in no way can that be effected so certainly and so efficiently, as by the construction of this important road.

It must be built too, not as an investment for moneyed profits, although it will yield them amply, but as a matter of duty by the government, just as we would construct a national defence or a ship of war, for its uses, its general benefits, the general safety, and the general prosperity. There is no State in the Union that is not deeply interested in it, both directly and indirectly. No county, town, or district which has not its representative residing in California.

Supposing then that Independence, in Missouri, is the terminus of the at present most western road in the Valley of the Mississippi, and that by following some of the numerous branches of the Platte, the Kansas, or the Arkansas, the Great Desert may be crossed through a series of fertile valleys, and the dividing ridge which separates the waters of the Pacific from those of the Gulf of Mexico, be struck and passed by some of its numerous defiles, the head waters of the Colorado will thus be reached, and no matter where the road may strike our valley, lying between the coast range and the Sierra Nevada, from San Diego up, let it be carried on until it reach the bay of San Francisco, connecting all our cities and towns on or near its route, and giving to California a well defined system of roads through two thirds of her extreme length, and yielding to our General Government a consolidating power, which it does not now possess.

We freely admit that we cannot assume the correctness of explanation, or the certainty of actual survey, nor do we attempt to indicate routes or forestall opinions; all results must be submitted to the intelligent direction that Congress will no doubt submit the execution of this enterprise to. All that we propose at present is, to urge upon our Government the importance of this work and its immediate construction.

Several modes of execution have been devised. Mr. Whitney has suggested that it be built upon a grant of sixty miles in width to a private corporation, through the whole territory it should traverse, for which it should pay ten cents per acre—to have no land until they built ten miles, and then to receive five miles, and so on for every succeeding ten miles,

so that, for the first eight hundred miles, they should receive only one-half of the land to be granted, and the balance retained as security. His point of commencement was high up in the north, but his course united at the South Pass with Col. Benton's proposed route.

The plan of the latter was to execute it by the Government, and to grant a strip of land from the frontier of Missouri to the Bay of San Francisco, one hundred miles in width. The income from the customs and sales of lands in California, Oregon, New Mexico and Utah, and loans to be made in anticipation of these resources, and hypothecating them for the purpose. His route to start from Independence, along the Kansas and the Upper Arkansas, the Huerfano rivers, and the Utah Pass, to the head of the Del Norte, through Roubideaux's Pass, across the valley of the Upper Colorado, through the Great Basin, crossing the Sierra Nevada near its middle, or turning it to the south and crossing the Rocky Mountains three or four degrees south of the South Pass.

The track followed by Emery and Gen. Kearny from Fort Leavenworth, was very circuitous, and yet, the distance by that route between that point and San Diego is but 1,900 miles; and when it is considered that they ran south full seven hundred miles, the inference is but natural, that as the city of San Francisco is nearly due west of Independence, that a much shorter route may be attained. However, to leave room for all contingencies, let us set down the distance at 2,000 miles, and affix as the probable cost \$40,000 per mile, which is an extreme estimate as compared with modern built roads in the older States, especially when we consider that there will be no land damages to pay, usually so heavy "an item of expenditure" there, and we thus bring the total, and fully ample for construction and machinery, to the sum of \$80,000,000; a sum which, though large, is but as a payment when contrasted with the accruing benefits of such an improvement.

It is true, that the proposition to expend so much for such a purpose will no doubt look shocking to many, who, if it were laid out in the conquering of some adjacent territory, or in a sanguinary war with some European Power, would pronounce it all right; so frequently are our judgments controlled by our habits of thought: and thus, whilst a hundred millions expended in war, is deemed a matter right and just, yet a proposition to lay out a single million in a dry dock, a mint, or a custom house, or in reducing the cost of postage, or for any of the useful arts of peace, most sensibly shocks our economical habits of thought, and jars upon our very sensitive nerves! We must, therefore, divest ourselves of these views! Ours is not a military Government—a despotism; where the people become the playthings of kings! Our Government is based upon the idea of procuring the greatest amount of good for the greatest number of persons. The benefit of the many is the object sought—the grand aim is the common weal!

The war of 1812 cost directly over a hundred millions. That with Mexico probably the same, and the Florida war some thirty millions, yet, how inconsiderable the benefits, and how slight the gain, if true glory to the country, magnificent as the results were in the two first, when compared with the inestimable good this great enterprise will confer, not only now, but in ALL TIME TO COME.

Connect the harbor of San Francisco, then, with the Mississippi Valley,

steamers of the same class as are now in the Liverpool trade, within twenty days of us. Then, too, it will be seen by a comparison of the various routes with our railway, that even the citizens of "the fast anchored Isle" will find a safer and an easier route for their merchants and travellers to their East India possessions, than any they have yet possessed, or are likely to obtain. The time is at hand when the sons of Liberty, so long ground down by the iron heel of despotism, will wake up upon the continent of Europe for a death struggle with tyranny; when England and America, hand clasped in hand and shoulder to shoulder, will give tone to a *right public opinion*, fanned into life by the eloquence of a Kossuth and kept in sturdy existence by the wants and wishes of the whole human race; and in this struggle, the crowned heads of Europe, led on by the Russian and the Austrian, aided by the imaginary republican monarch of France, will close for years to English travelers the overland route to India, whether it be by Marseilles or Trieste, or the Isthmus of Suez. Then will England find that her superiority on the ocean, backed by the friendship of sons by no means degenerate on this continent, will open to her a shorter, a cheaper and a better way to her Eastern dominions than she has ever possessed.

	MILES.		DAYS
The distance from London to Calcutta, by the Cape of Good Hope, is . . .	15,000	and requires	150
With steam, say 70 days.			
From London to Calcutta, by Cape Horn,	21,500	"	215
With steam, say 90 days.			
From Liverpool to Calcutta, by Isthmus of Panama, Steam, say 60 days.	14,000	"	140
London to Calcutta, overland route, five trans- shipments,	6,000	"	58
Liverpool, New York, and Railway to San Francisco, two transshipments, . . .	12,000	"	35
A difference of 23 days over her shortest route!			

Having on our route three thousand miles of uninterrupted railway, two-thirds of which may be laid out straight as an arrow, where we have the whole domain for choice of track without the interference of a single land holder to influence it *toward* his mill, or *away* from his house, we shall be able, after some improvement of machinery and motive power, to attain a speed that no other road now known can hope to attain to; and thus we shall maintain a pre-eminence which an early execution of this work will undoubtedly secure to us for ages.

If indeed this enterprise yielded only a benefit to the State or the citizens of California alone, we might hesitate to urge its construction by the General Government. But when we all know that the whole Union is deeply and immediately interested, and when it is remembered that these benefits enure through peace and war, and for all future time, we are confirmed in our earnestness in pressing upon the immediate attention of Congress the commencement of this work.

When, also, it is considered that an empire must grow up here upon this Pacific coast with a rapidity unknown to history, when we know that its volume will sweep us along if we yield to its influence or overwhelm us if we resist, we feel constrained to say, *the time has come* for this movement.

No State has ever been developed so rapidly in all its features as California. No agriculture has ever rendered such returns for labor as here. No territory our country possesses has ever proved so rich an inheritance, nor have the harbors of any portion of our coast, or that of any other nation, at any time, or anywhere, ever exhibited a commerce at all to be compared with that of the city of San Francisco, so emphatically the city of the West.

In the *third* year of her infancy, San Francisco exhibits a population of 25,000 inhabitants, and a commerce *one-third larger* than that of the city of Baltimore, with 160,000 inhabitants, and over a hundred years from her founding; and but for the fires which have desolated her six times within two years, at a loss of perhaps thirty million of dollars, she would to-day have been one of the very first cities on this continent for wealth, population and importance.

In the construction of this work, to which we urge the immediate action of Congress, it is not for us to point out the sources from which the *means must* come; but knowing that the public faith is backed by ample resources, we leave it to the wisdom of that body to take such measures as shall give immediate impulse to the work.

Already has the Treasury of the United States been materially enriched by "the civil fund" of California. Already have there been indications made of an intention to reduce the public lands here to that system of sale which has been adopted elsewhere, and if these things *must* be, then let the funds arising therefrom be applied to this truly noble purpose, so that our citizens may at least derive some direct benefit from the result.

The amount of lands in this State is supposed to be about 100 millions of acres, and would doubtless yield, allowance being made for Spanish grants and worthless tracts, fifty millions of dollars to the Treasury; but we protest most solemnly against delaying this work until these funds can be realized, whilst the credit and the ability of the General Government is so ample for the purpose. Let immediate measures be taken *now* for the commencement, and give to it the energy, rapidity of construction which its importance demands.

Since the annexation of this territory to our Government it is estimated that 200,000 passengers have been carried to and fro, between San Francisco and New York or New Orleans, at an expense of not less than three hundred dollars each, making a total of sixty millions in a little over two years, and many millions of freight, consisting of thousands of tons of articles far better carried upon a railway than by sea or transshipments of part sea and part land.

Beside all which, the Government pays about half a million of dollars for mail transportation, and furnish a mail to us *once* in two weeks, whilst by a railway it can be carried at eleven cents and a half per mile, the average rate now paid by the Department for mails carried on railway, making \$345 a trip, or an annual *daily mail both ways* for \$503,000; a convenience which our extending commerce now requires, and will

cost at *present* rates by *present* means about seven and one half millions of dollars—more than enough to pay the interest of the whole cost of the work at eighty millions of dollars.

Our trade with China is growing with wonderful rapidity, and must soon by its importance demand a line of steamships, as it is likely to prove the most valuable foreign trade that is possessed by that immense empire, and already it seems to be gradually proving every day more and more profitable to both countries, so that with our present good standing with the Chinese Government, they will doubtless give it all the encouragement it will need for its early and successful development.

The trade of this State with Chili has already proved of immense value to both countries, and is doing more for the prosperity of that Republic than any she has ever possessed; whilst New Grenada has been almost re-created by the activity and energy which contact with our countrymen has produced. Added to all which, an immense trade with European countries is growing up, so that without enumerating others, there has been of French vessels alone, in about two years, arrivals and departures equaling 80,000 tons, which is but one-third *less* than the whole tonnage of the city of Baltimore *in all her trade* at this time. Now when it is remembered that all this is being done at an extreme point of the Union, full six thousand miles away from the central Government, upon almost its farthest coast, between which and home intervenes interminable deserts and savage tribes innumerable, what may we not expect when brought in contact with home, and conjoined directly with all the active avenues of trade, shall result from the creative power of this railway, if once constructed and in active use for a few years! Who that looks back upon the Atlantic States, at the invigorating influences which the small railways there have exercised upon the industry and prosperity of the country, can estimate the productive powers which must be brought into play by the construction of a road two thousand miles long, right through the very heart of the land, and gathering up in its grasp the energies of a continent, so that a man may count the pulsations of trade just as he would those of his own heart, and control its movements through the agency of the railway and the telegraph with as much certainty and at no greater loss of time than was required ten years ago to rule a cotton factory or a plantation.

How is Oregon to be settled and governed without such means? How is the Utah Territory, with its homogeneous population, to be managed without such aid? Better, far better for us, and for the world, would it be, if no such means of union and centralization be adopted, to cut these adjacent provinces loose, and permit us, in our own strength, to organize a Pacific Union of States, so that we may husband our own resources, rely upon our own means, and rear, according to our own wishes, in this Western World, an Empire that we know must exist here, possessing the same liberties and endowed with the same energies as the land from which we spring.

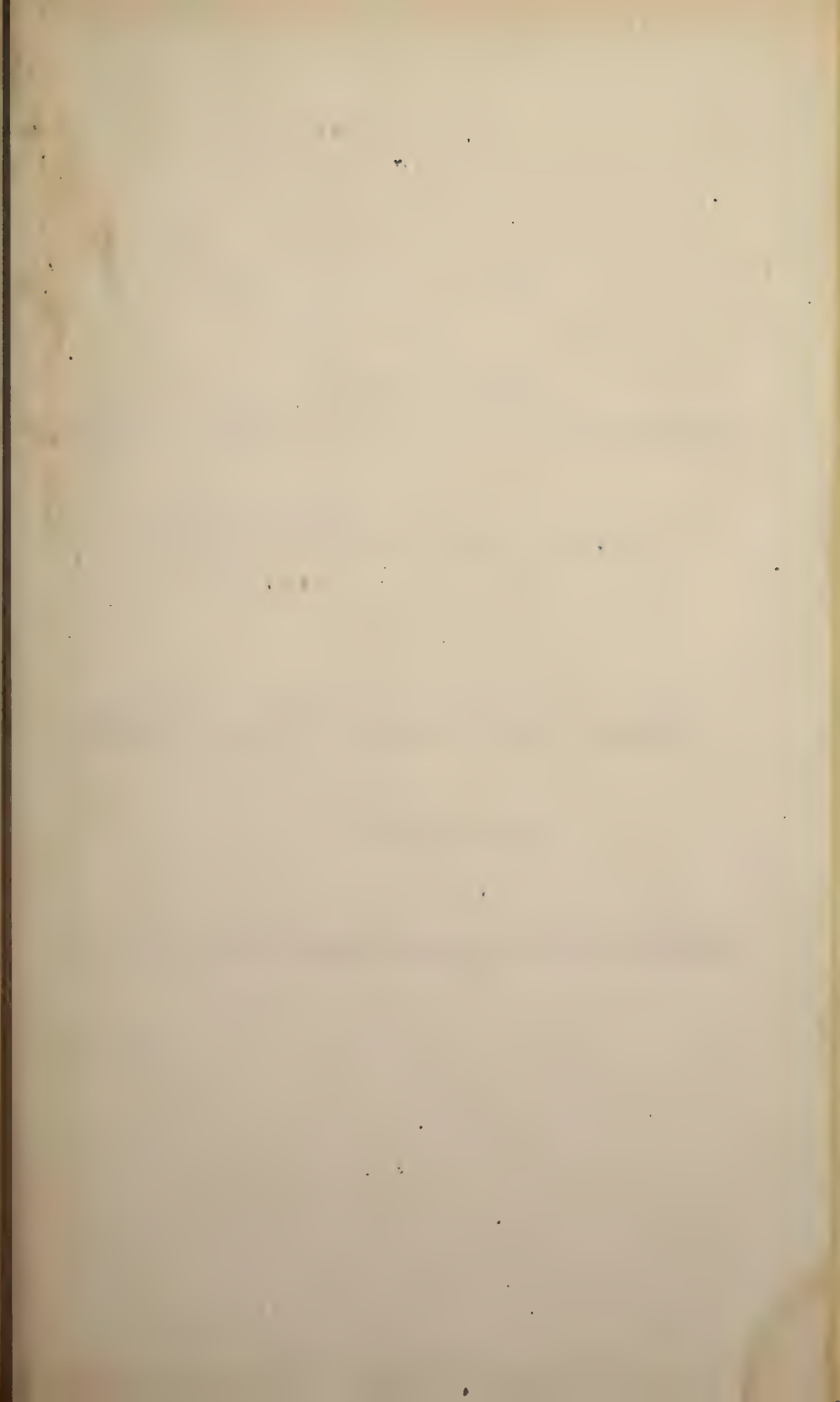
Therefore Resolved, That the time has arrived when the people of the State of California deem it their duty to press upon Congress the immediate construction of a Railway from the Pacific Coast to the Valley of the Mississippi, and that ample means should at once be provided, and a competent

corps of engineers employed, to obtain prompt surveys of all known or probable routes for such road.

Resolved, That as citizens of California, although we duly appreciate the friendly relations now existing between our Government and that of New Grenada, yet, we look with regret at the fact, that a hundred millions of treasure, and ALL our *correspondence with home*, is at the mercy of a Power far from being stable and secure, and liable to the caprice of the chieftain of to-morrow, whoever he may be, that the accident of political or military life may throw into power.

Resolved, That it is derogatory to our national name to be indebted to any other Government for the *privilege* of mail communication between different portions of the Union: a favor we ought not to be indebted for any longer than is necessary to effect a passage over our own soil.

Resolved, That His Excellency the Governor of this State be requested to forward copies of this memorial to the Governor of each of the States of this Union, with a request that it be laid before their respective Legislatures, with an earnest solicitation for their friendly aid and co-operation in forwarding this great national object.





[Document No. 59.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

RECEIPTS INTO THE STATE TREASURY

FROM SALES OF

BEACH AND WATER LOT PROPERTY,

TO APRIL 22, 1853.

[GEORGE KERR, STATE PRINTER.

THE UNIVERSITY OF CHICAGO

To Hon. ISAAC B. WALL,

Speaker of the House of Assembly,

SIR :

I have the honor to transmit to the Assembly the information called for by a resolution of that body relating to moneys received into the State Treasury under " Act of March 26th, 1851," providing for the disposition of certain property of the State of California.

RECEIPTS INTO THE STATE TREASURY FROM SALES OF
BEACH AND WATER LOT PROPERTY, TO APRIL 22d,
1853.

1852.		
January 24,	From John W. Geary, President of the Board of Funding Commissioners of the City of San Francisco,	\$1,000 00
1853.		
February 1,	From Commissioners of the Funded Debt of San Francisco,	10,000 00
March 26,	From Hiram Pierson,	1,312 50
April 7,	" D. W. Connely,	212 50
" 8,	" Commissioners of Funded Debt of City of San Francisco,	7,000 00
	" Commissioners of Funded Debt of City of San Francisco,	8,267 95
Total Receipts,		<u>\$27,792 95</u>

The above receipts of cash I felt myself bound to pay into the Treasury,
under the provisions of Section 7th, of "Act concerning the Office of
Comptroller," passed January 19th, 1850.

Very respectfully, your ob't servant,

WINSLOW S. PIERCE,
Comptroller of State.

I N D E X.



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AND TO THE

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